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LOUISIANA COMPLETA

A Centenary Relation of West Florida and the Treaty with Spain 1819-1821

By Edward Alexander Parsons
Member Louisiana Historical Society, etc.

Address delivered at Garic Hall, Louisiana State University, Baton Rouge, Louisiana, March 16th, 1921, at the Centennial Celebration, commemorating the Treaty between Spain and the United States transferring the Territories of East and West Florida to the United States of America; and also delivered before the Louisiana Historical Society at the Cabildo, May 24th, 1921.

Out of the genius of Italy, out of the industry of Spain, and out of the indomitable spirit of French and English men was born this new world, called America.

Out of the spirit of the Declaration, out of the serenity of Washington and the courage of his followers, and out of the wisdom nay, prescience of the Fathers of the Constitution, was created these United States.

Out of the dream, audacity and policy of the French, out of the contributions to its law, government and art by the Spanish, and out of the vision, boldness and sound judgment of the Americans was founded the State of Louisiana.

Florida and Louisiana! From the beginning the very warp and woof of their tragic, strange and romantic histories are curiously intertwined.

The tale is geographical and would naturally be prosaic, if it were not for that extraordinary race of men who were its early protagonists.

The Spanish conquistadores, though by no means superior in courage and often inferior in character, to the English and French discoverers and explorers, yet outshone their rivals in inscrutable pride, in mysterious romanticism, and in an amazing picturesqueness, in which latent fires of all their ancestral races of the Iberian peninsula,—the simplicity and savagery of the Celt-Iberian, the prime faith of the Carthaginian, the subtlety and brilliancy of the Greek colonist, the strength and stoic reserve of the Roman, the destructiveness of the Vandal, the love of contest of the Goth, the polish of the Moor and the devotion of the Christian Spaniard,—intermittently blazed forth, forming a vast series of pictures in Venetian colors portraying the history of the discovery and conquest of America in more deathless form, than even that far-famed tale of Greek colonization of the storied shores of the Mediterranean Sea. The new world was indeed a stage for these versatile actors, who were equally in role, whether as a pampered gallant, who to please the ladies of the Court, danced out upon a beam from the Giralda's dizzy height; or as a warrior of iron when fighting the aborigines and wounded with a poisoned arrow could pluck out the dart and taking an iron, red hot, burn out with a steady hand the impregnated part; or who, though master of estates in Spain and accustomed to the best in Europe, could wade for weeks the tractless swamps, sleeping at night huddled on the limbs of trees, like the evil birds in the forests of Hell, hungry and chilled to the bone, and who, after unheard of suffering on at last reaching terra firma would again adventure the savage wilds; or who, with a handful of men and opposition at home could conquer and hold a vast empire; or, who with an enthusiasm suggestive of the mythological ages could search for El Dorado, through pathless forest, crossing vast streams and stopped only by death; or who with romantic mediavalism could seek for the Fountain of Eternal Youth amid the forest and river lands of Florida and, so with illustration without end. It was indeed the Age of Spain. Did not Columbus, Italian though he was, become so imbued with the "atmosphere" or spirit of the time, that when he described his discoveries not only to please his Spanish backers, but naturally it would seem, he takes his metaphors and comparisons from things and places of old Spain. And so Hispania's pageantry passes by, an endless array of monstrous, mighty, cruel, chivalrous, wicked and almost impeccable figures—heroes, like the Cid el Campeador and Isabella the Catholic; monarchs, like the omnipresent Charles (V) and the Tiberian Philip (II); soldiers, like Gonsalvo, the Great Captain, and the iron warriors Cortez and Pizarro; discoverers, like the unfortunate

Balboa and the quioxtic Ponce de Leon; statesmen, like the successful Ferdinand and the astute Cardinal Ximenes; and ecclesiastics, like the zealot Torquemada, the noble Las Casas and the saintly Francis Xavier. Truly, it was the Age of Spain.

And Now for the Florida Chronicle

Although there is geographical data that would suggest a knowledge of Florida before 1513, still, with justice, the elderly cavalier Ponce de Leon is honored as the discoverer of the country where he arrived on that eventful Easter Sunday (Pascua Florida) though he failed to find the fountain of youth. In St. Augustine I was shown the fountain, which somehow has lost its rare quality, though the region is much sought by society's fairest flowers.

Ponce de Leon died from an Indian arrow wound. Then the unfortunate Pamphilo de Narvaez (1528) landed, marched inland, losing many men, returned to the coast to find his ships had vanished and finally in hastily constructed boats, perished in the Gulf near the mouth of our mighty river.

The intrepid Hernando de Soto (1539!, companion of Pizarro, who had brought vast wealth from the Inca's hoard, must yet seek for the new El Dorado.

Grandiers and notables of Spain, sold or pledged their estates, asking the privilege to share in the golden enterprise. All could not be taken and many were chagrined at what they deemed their want of good fortune.

The tragic story of that expedition has been told in winged words, how "for month after month and year after year, the procession of priests and cavaliers, cross-bowman, arquebusiers, and Indian captives laden with baggage still wandered on through wild and boundless wastes, lured hither and thither by the ignis-fatuus of their hopes." On through Florida, what is now Georgia, Mississippi crossing the great river, into Arkansas, back to the Mississippi where the chieftain within its waters found his last place of rest, and down the stream through Louisiana, passed sick, emaciated and desperate men, sad remnant of that proud array, that three years before had set sail for the conquest of golden Florida.

The Dominican Monk Cancer came to christianize the Indians and was murdered by them; the Huguenots attempted to settle and were killed by the Spaniards.

Spain permanently settled the land and founded St. Augustine, (1565).

Spain had, outside of the discoveries of Columbus and the grant of the Pope, the best claims to Florida.

But her mighty rivals never slept. France claimed the land in 1628; England claimed a portion of the Eastern part in 1629; the Spanish and French commandants, in 1702, when England was their common enemy, settled the boundary at the Perdido River.

In 1763, by the Treaty of Paris, Spain ceded the Floridas to Great Britain, who promptly took possession. This was the famous settlement, as a result of the Seven Years War.

The formula read: *East* of the Mississippi, *except* New Orleans ceded to Great Britain, and *West* of the Mississippi, *with* New Orleans ceded to Spain.

The northern boundary of Florida was then (1763) the 31° No. Lat.

In 1768 England extended the boundary northward to the parallel (32° 25' N. Lat.) of the mouth of the Yazoo river.

In 1779, Galvez commenced the reconquest of West Florida. With a little army of 1,434 men and a little flotilla of one 24, five 18 and four 4-pounders, in about three weeks he took Fort Bute on Bayou Manchac, the post of Baton Rouge, and Fort Panmure; and finally on May 1, 1781, Pensacola and the whole of West Florida was surrendered to Galvez, who was made captain-general of Louisiana and West Florida.

In 1783 in the Treaty between Great Britain on the one part and the United States and her allies, France and Spain, England acknowledged the independence of her former colonies and recognized "as a part of their southern boundary a line drawn due east from a point in the Mississippi in latitude 31 degrees north to the middle of the Appalachicola, and at the same time she ceded to Spain by a separate agreement the two Floridas but without defining their northern boundaries." This further complicated the growing dispute because Spain contended that the Floridas she received from England was not confined to the original Spanish limits (line of 31° N. Lat.) but embraced the extended English bounds of 32° 30'.

By the Treaty of Madrid (Oct. 27, 1795) however the line of 31° N. Lat. was confirmed.

The ever present question of the navigation of the Mississippi; the discontent of the Kentuckians and Tennesseians, those sturdy frontier Americans, described by one of our historians as men who "spat mightily, swore mightily and shot straight;" rumors of Burr's plots and Wilkinson's intrigues,—all these forces were assumulating like great waves about to engulf the Spanish regime, when Spain,

perceiving the dangers of her position, retroceded Louisiana to France. (Treaty of San Ildefonso, Oct. 1, 1800.)

Then came the great purchase (1803) with its treaty ambiguous as to boundaries.

We purchased Louisiana "with the same extent as when France possessed it," now before her cession to Spain in 1763, France owned to the Perdido river, recognized as the eastern limits of Louisiana and the western present boundary of the State of Florida.

The United States Congress (1804) established a custom district in the Mississippi territory, including portion of West Florida but Spain protested and held up our traders. In 1805 the Americans in West Florida unsuccessfully rebelled; and finally in 1810 a revolution was successful.

"The United States claimed, it must be repeated, that the act of cession by which they acquired the whole province called Louisiana included all the territory which, under that name had originally belonged to France and had been ceded by that country, through the treaties of 1763-64, to Spain. The western line had been left purposely vague, as has already been noted. The eastern line was also not definitely marked, but the French had colonized and held West Florida, including the town of Mobile, up to the Perdido River. Beyond this point lay the undoubtedly Spanish Possessions of East Florida. Upon such grounds the United States based their claim to West Florida. The territory in question, however, had been transferred by Spain to Great Britain in return for Havana, and had been held by that power until the American Revolution, when the Spaniards of Louisiana under Galvez had recovered Baton Rouge, Mobile, Pensacola, and the whole country which they had originally settled as well as the country colonized but abandoned by France. When Napoleon transferred to the United States all the claims of France to its original territory in North America, Spain retained possession, not only of its original colonies of East Florida, but West Florida as well, that is to say, all that Galvez had won from Great Britain and had subsequently been held as Spanish territory, roughly speaking the land lying between the Perdido and the Mississippi and including Baton Rouge and Mobile. Jefferson's conciliatory policy had prevented him from attempting to take possession of this territory, though claimed by the United States, and the Spaniards had been allowed to remain. Governor Folch, stationed at Pensacola, ruled both the Floridas for the Spaniards, and Don Carlos Dehault De Lassus governed West Florida, under his orders, and maintained his headquarters at Baton Rouge. In West Florida were many settlers

of Anglo-Saxon race and many who had been citizens of other states, and there was a strong public disposition in favor of annexation to the United States. It is impossible here to detail the many disorders which arose in and about this disrupted district. The question of regaining slaves that fled from the Orleans and Mississippi Territories into the Spanish lines, and the rights of Americans to invade this territory and search and seize them, were causes of constant confusion. Within the territory itself, discontent had already manifested itself in an attempted revolution, and finally, in 1810, when the fall of the Bourbons had caused the Spanish provinces all over the western world to think of revolt and freedom, a movement was set on foot in West Florida to establish its independence." (Louisiana: A Record of Expansion by Albert Phelps, pp. 247-8; Boston, 1905.)

"There was in the district, however, from the Perdido to Baton Rouge, a large number of the inhabitants who were Americans in sentiment and American by birth; a number, who, in 1779, had organized to join the Spanish forces in the overthrow of British authority; a number who considered that they should have obtained their absolute freedom along with the thirteen colonies, and who boldly declared that they formed the fourteenth of American free States; a number who, apart from any other feelings, chafed under monarchical rule, and a larger number, and the more intelligent, who for years had been satisfied and were willing to let well enough alone."

"In this strait of affairs, a rumor was set afloat to which some credence must be given, that Bonaparte claimed West Florida and intended to exercise therein his jurisdiction. This seems to have been the straw that broke the camel's back, for immediately on the circulation of this remarkable information the citizens met in all the respective districts, at the request of the assembled citizens of Feliciana, and delegates were chosen to meet in general convention at Buhler's Plains. When news of these proceedings came to the ears of De Lassus, despite the contrary advice of his lieutenant, the dashing young De Grandpré, he showed an apparent acquiescence in the preliminaries." (Henry L. Favrot: *The West Florida Revolution*; Publications, La. Historical Society, Vol. 1, Part 2 and 3.)

The convention met on July 17, 1810, at Buhler's Plains; John Mills was president and Dr. Stelle, secretary.

The result of their deliberations was the drawing up of a sort of projected constitution, to which the preamble read as follows:

"When the sovereignty or independence of a nation has been destroyed by treachery or violence, the political ties

which united its different members are destroyed. Distant provinces, no longer cherished or protected by the mother country, have a right to institute for themselves such forms of government as they think conducive to their safety and happiness. The lawful sovereign of Spain, together with his hereditary kingdom in Europe, having fallen under the dominion of a foreign tyrant by means of treachery and lawless power, right naturally devolves upon the people of the different provinces of that kingdom, placed by nature beyond the grasp of the usurper, to provide for their own security. The allegiance which they owed and preserved with so much fidelity to their lawful sovereign can never be transferred to the destroyer of their country's independence."

"We therefore, the people of West Florida, exercising the rights which incontestably devolve upon us, declare that we owe no allegiance to the present ruler of the French nation, or to any king, prince or sovereign, who may be placed by him on the throne of Spain, and we will always, and by all means in our power, resist any tyrannical usurpation over us of whatever kind, or by whomsoever the same may be attempted, and in order more effectually to preserve the domestic tranquility and secure for ourselves the blessings of peace and the impartial administration of justice, we propose the following."

Then followed a series of 13 articles. A committee presented this document as a memorial to the Governor De Lassus and it was thought all would go well.

But Colonel Thomas, a man of sterling qualities, a good soldier, though illiterate, commanding the militia, becoming suspicious of De Lassus and Shepard Brown, discovered a secret correspondence between De Lassus, Governor of the Post at Baton Rouge, and Governor Folch at Pensacola, in which De Lassus asked for an armed force to quell the insurrection.

"Going then immediately to Baton Rouge on the evening of September 21, he called to a secret council, Col. Fulton, Fulwar Skipwith, John Rhea, Philip Hicky, Isaac Johnson, Gilbert Leonard and Larry Moore. The result of their deliberations was the determination to declare the independence of West Florida, for they realized the futility of any attempt to continue in their allegiance to Spain, with De Lassus at their

head, and there was no authority to depose him. His constant refusal to enforce some laws, his dilatoriness in other matters had already opened his pretended sincerity to suspicion, and his present duplicity was magnified the more by circumstances. It was deemed advisable to take and hold the fort at Baton Rouge, and all then would be well. Trusty messengers were sent to Robert Percy, near Bayou Sara, and to St. Helena for Dan'l Raynor. The combined forces met Colonel Thomas on September 22, at 12 o'clock at night, and together they reached the fort in three separate columns at 3 o'clock in the morning. The struggle was short and decisive and the fort surrendered."

The gallant young de Grandpré was killed.

The report of Colonel Thomas on the capture of the Port of Baton Rouge is as follows:

"Headquarters Fort of Baton Rouge,

"September 24, 1810.

"To John Rhea, President of Convention of West Florida:

"Sir: In obedience to the order of convention, bearing date the 22d inst., I directed Major Johnston to assemble such of the cavalry as might be ready at hand, and march immediately for the fort at Baton Rouge. I then proceeded to Springfield, where I found forty-four of the grenadier company, commanded by Col. Ballinger, awaiting orders of the convention. At 1 o'clock in the morning of the 23d we joined Major Johnston and Capt. Griffith with twenty-one of the Bayou Sara cavalry, and five or six other patriotic gentlemen joined us in our march.

"At 4 o'clock the same morning we made the attack. My orders were not to fire till we received a shot from the garrison and to cry out in French and English: 'Ground your arms and you will not be hurt.' This order was strictly attended to by the volunteers till we received a discharge of musketry from the guard house, where the governor was, which was briskly returned by the volunteers. We received no damage on our part. Of the governor's troops Lieut. Louis de Grandpré was mortally wounded, Lieut. J. B. Metzinger, commandant of artillery, was also wounded, one private killed and four badly wounded. We took twenty prisoners, and among them is Col. De Lassus. The rest of the garrison escaped by flight.

The magazines, stores, etc., found in the garrison, have been reported to you by James Nelson, Esq., who was appointed for that purpose.

"The various and complicated duties devolving on me from present circumstances of the moment forbid a more minute detail. The firmness and moderation of the volunteers who made the attack, was fully equal to that of the best disciplined troops. Whole companies are daily flocking to our standard and the harmony and patriotism in the garrison must be highly gratifying to every friend of his country.

"Accept sir, for yourself and your body, assurances of my highest esteem.

"Philemon Thomas,

"Commander of Fort of Baton Rouge and Dependencies."

It may be of interest to insert here that when the expedition to capture the post was determined upon, it was noticed that they had no standard, and of course to fight without a flag is unthinkable. The ladies, as usual, came to the rescue, and fair patriotic hands quickly supplied the great defect. When Col. Thomas and his men reached Baton Rouge, they were given the flag that the ladies had made: with a single silver star upon a field of blue. Afterwards the Convention adopted it as the Flag of West Florida.

And later this device became the standard of Texas, the Lone Star State.

On September 26, 1810, the people of West Florida issued a Declaration of Independence:

"By the Representatives of the people of West Florida, in Convention, assembled:

"A DECLARATION

"It is known to the world with how much fidelity the good people of this Territory have professed and maintained allegiance to their legitimate Sovereign, while any hope remained of receiving from his protection for their property and their lives.

"Without making any unnecessary innovation in the established principles of the Government we had voluntarily adopted certain regulations, in concert with our First Magistrate for the express purpose of preserving this Territory, and showing our attachment to the Government which had here-

tofore protected us. This compact, which was entered into with good faith on our part, will forever remain an honorable testimony of our upright intentions and inviolable fidelity to our King and parent country, while so much as a shadow of legitimate authority remained to be exercised over us. We sought only a speedy remedy for such evils as seemed to endanger our existence and prosperity, and were encouraged by our Governor with solemn promises of assistance and cooperation. But those measures which were intended for our preservation he has endeavored to pervert into an engine of destruction, by encouraging, in the most perfidious manner, the violation of ordinances, sanctioned and established by himself as the law of the land.

"Being thus left without any hope of protection from the mother country, betrayed by a magistrate whose duty it was to have provided for the safety and tranquility of the people and Government committed to his charge, and exposed to all the evils of a state of anarchy, which we have so long endeavored to avert, it becomes our duty to provide for our own security as a free and independent State, absolved from all allegiance to a Government which no longer protects us.

"We, therefore, the Representatives aforesaid, appealing to the Supreme Ruler of the world for the rectitude of our intentions, do solemnly publish and declare the several districts composing this Territory of West Florida to be a free and independent state; and that they have a right to institute for themselves such form of government as they may think conducive to their safety and happiness; to form treaties; to establish commerce; to provide for their common defence; and to do all acts which may of right, be done by a sovereign and independent nation; at the same time declaring all acts, within the said Territory of West Florida, after this date, by any tribunals or authorities not deriving their powers from the people, agreeably to the provisions established by this Convention, to be null and void, and calling upon all foreign nations to respect this our declaration, acknowledging our independence and giving us such aid as may be consistent with the laws and usages of nations."

The declaration was transmitted to the President of the United States through Governor Holmes of the Mississippi Territory. And James Madison, the most cautious of Presidents, resolved to take

immediate possession of the West Florida District issuing his proclamation on the 27th of October, 1810, starting out with the famous paragraph:

"Whereas, the Territory south of the Mississippi Territory, and eastward of the River Mississippi, and extending to the River Perdido, of which possession was not delivered to the United States, in pursuance of the treaty concluded at Paris on the 30th of April, 1803, has, at all times, as is well known been considered and claimed by them, as being within the colony of Louisiana, conveyed by the said treaty, in the same extent that it had in the hands of Spain, and that it had when France originally possessed it.

"Now, be it known that I, James Madison, President of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite that possession should be taken of the said Territory in the name and behalf of the United States. W. C. C. Claiborne, Governor of the New Orleans Territory, of which the said territory is to be taken as part, will accordingly proceed to execute the same, and to exercise over the said territory the authorities and functions legally appertaining to his office. And the good people inhabiting the same are invited and enjoined to pay due respect to him in that character, to be obedient to the laws, to maintain order, to cherish harmony, and in every manner to conduct themselves as peaceable citizens, under full assurance that they will be protected in the enjoyment of their liberty, property and religion."

We might add parenthetically that Congress on January 15, and March 3, 1811, fearing that England might seize Florida, secretly passed acts authorizing the President, in his discretion to take "temporary possession" of East Florida.

Then came intrigues, military aggressions, irregular and regular; Wilkinson took Mobile, 1813; Jackson drove the British out of Pensacola (Nov., 1814) and reinstated the Spanish authorities; and finally (1818) fighting the Seminoles, Jackson again took Pensacola, hanged Arbuthnot and Ambrister. Spain powerless to resist signed the treaty of 1819-1821.

To resume, on April 8, 1912, by act of Congress, Louisiana, in spite of the burning eloquence of the narrow Puritan and Federalist leader, Josiah Quincy, became a sovereign State of the American

Union. Six days later, by act of Congress approved April 14, 1812, West Florida was incorporated in Louisiana, and our great State was then territorily complete. On May 14, 1812, the eastern portion of West Florida was incorporated into the Mississippi Territory.

But still the title of the United States to West Florida was at least precarious and our best statesmen knew that it must be "cured". And so was concluded and signed on 22nd February, 1819, the "Treaty of Amity, Settlement and Limits" between the United States of America and the Kingdom of Spain, the United States being represented by John Quincy Adams, Secretary of State, and Spain by the most Excellent Lord Don Louis di Onis. The Treaty was promulgated by James Monroe, President of the United States on February 22, 1821—and for all times the question of the American title to West Florida was quieted.

And so was completed territorily the fair domain of Louisiana.

But in annexing the Florida Parishes, Louisiana received more than an acquisition of land.

Even though her ancient post has become the capital of our commonwealth, I cannot but feel that our gains must be measured by higher standards and tests, and that it is to the distinguished men and women that these Parishes have produced and the great seat of learning that flourishes in their midst—these have added to our great store of material, intellectual and moral greatness.

In what might have been the words of the lost ode of Alcaeus:

"What constitutes State?

*Not high-raised battlements, or labored mound,
Thick wall or moated gate;
Not cities fair, with spires and turrets crowned,
No; men, high minded men,
Men who their duties know,
But know their rights, and knowing dare maintain.*

* * * * *

*And sovereign law, that states collected will,
O'er thrones and globes elate,
Sit empress, crowning good, repressing ill."*

These constitute a State.

AN HISTORICAL SKETCH ON THE CONSTRUCTION
OF THE CUSTOM HOUSE OF THE
CITY OF NEW ORLEANS

Read to the Louisiana Historical Society on June 28th, 1921

by Charles A. Favrot

of Favrot & Liraudais, Ltd., New Orleans.

Ladies and Gentlemen:

It must be assumed that in reading a paper to your worthy Society, the essentials of facts must be related, since it is manifest that the collection of these papers are to be kept in your files as true records for the purpose of future interest and research.

I mention this, because it is too often the case that one is tempted to make his subject more interesting by injecting bits of folk lore and myth that in years are accepted as fact, making plausible some remarkable and imaginary occurrence that has no foundation in fact.

Carlyle, I think, once said: "What an enormous magnifier is tradition! How a thing grows in the human memory and in the human imagination, etc., etc." So my friends, you must not be disappointed if I don't relate some wonderful accomplishments of the Engineers of the early days in designing and executing the heaviest building erected in this City as of that date, on a foundation of cotton bales.

In reviewing the facts procurable, it would appear that the method of procedure in those days was not very different from the method now adapted at times by the Treasury Department of the United States.

The government apparently owned a portion of the site now occupied by the Custom House, since it appears that a Congressional act of February 13th, 1807 appropriated \$20,000 for the construction of a Custom House in New Orleans, and on March 3rd, 1845, the enormous sum of \$500 was appropriated by Congress to secure plans and estimates for a Custom House in front of the square now occupied for that purpose.

It appears evident that the original Custom House must have been a small structure back on Decatur street and in front of this was a Public Square, owned by the Municipality, because we find again that "the land was ceded to the United States, June 29, 1848 by the first Municipality of New Orleans.

Just how the Treasury Department expended the \$500 to secure plans and estimates in 1845 does not appear, and I should hate to believe that architects in those days, were in such financial straits that \$500 would be considered as sufficient compensation for the work of preparing plans and estimates for a building of this magnitude.

It is recorded, however, that about twenty plans were submitted for the present Custom House by as many architects.

The plan of Mr. A. T. Wood, an architect of New Orleans was finally adopted, and you have here, lithograph reproduction of these plans in your archives.

The Treasury Department in those days did not repose full confidence in the ability and integrity of architects, since we find that it appointed a resident commission composed of Mr. Alcee La Branch, Denis Prieur and Wm. McKenra Gwin, all citizens of New Orleans, under whose direction the architect was to execute the work.

It also appears from the record that the architect could evidently not satisfy the people in those days with drawings, and he was therefore forced to produce a model of the building, which was exhibited in the summer of 1848, in Hewlett's Exchange on Magazine street.

On March 3rd, 1847, the first appropriation of \$100,000, was made by Congress for the erection of this building.

In August, 1848, Lt. Col. W. Turnbull of the United States Topographical Engineers, was detailed from the War Department to superintend the construction, and we find that he was relieved at his own request in December, 1849. Mr. Wood, the architect, then became superintendent, but in 1850 he was succeeded by J. H. Dakin, an architect of New Orleans.

I have found no data indicating the reason for this change, but it appears that Dakin made some changes in the plan, internally, including the formation of the interior court, which was evidently lacking in the Wood plan.

He is also accredited with changing some of the heavy interior masonry construction, omitting some of the groined vaulting and substituting cast iron columns with beam and arch construction in some of the corridors.

The lithograph plans in your archives apparently show some of these alterations, though they contain the name of A. T. Wood as designer, and make no mention of any changes suggested by Dakin.

Associated with Dakin in 1850 was a Mr. Bryant who represented the Treasury Department in Boston, Mass., as inspector of granite and this latter individual was succeeded apparently in the same year, by a Mr. A. B. Young, who afterwards became supervising architect of the Treasury Department.

Contemporary events would indicate that New Orleans was not considered a healthy place, and the yellow fever scourge of 1847 and 1848 may have been responsible for changes in the personnel of the supervising staff.

In 1851 it appears that the resident commission before named was superseded by another composed of Messrs. G. T. Beauregard, Chairman; A. T. Heiman, and L. E. Reynolds. It may be noted as of interest, that even in those days the influence of prominent men was sought to secure positions from the Government. Here in the archives of the Cabildo, I have seen a letter of October, 1851, from Mr. Wm. Freret, then a prominent cotton factor in this city, to Major G. T. Beauregard, answering one from him requesting his influence in securing for Major Beauregard the appointment as superintendent of construction on the Custom House building.

It is evident that influence had the proper effect since we find that for some time he was superintendent of construction, and his name appears in this capacity on the lithograph copies of the drawing now in the archives.

I have found no definite date fixed for actual breaking of ground, but the records show that in 1851 a commission selected for that purpose made borings on the site, and reported that the site was "the firmest, dryest and most reliable in and about the city."

The fact that such an investigation was made indicates that there must have been a strong suspicion as to the bearing quality of the soil, and that no attempt would be made to design a foundation until an exhaustive study had been resorted to.

Despite all these precautions it is recorded that in 1860, when the walls of the building had been carried to a height of seventy-five feet above the concrete base, there was a maximum settlement in the foundations of two feet six inches.

The records do not show that this was uniform, but there is nothing in the present appearance of the structure to indicate any rupture of its walls, either externally or internally.

Of course, construction on the building ceased in 1860, the walls were up, to the line of the architrave of the cornice and all the fourth floor beams were in position. A temporary roof was placed on the structure and nothing further was done until 1871 when

operations were resumed with modified plans made under the direction of Mr. A. B. Mullett, then supervising architect of the Treasury.

In 1879 the second story was completed and the third story, in 1881.

Alterations were made to the first floor for the accommodation of the Post Office, and these were completed in 1883.

This completes the chronological order of the work as far as I have been able to obtain from available records.

It has not been possible for me to obtain the cost of this structure and I assume that appropriations were made from time to time by Congress until the work was completed.

The building measures 340 feet on Canal Street, 297 on Decatur Street, 252 on Iberville Street, and 309 feet on North Peters Streets, and its cornice is 81 feet above the sidewalk line. This would indicate cubic contents something over six million cubic feet, or for comparison, I would say, twice as large as the Hibernia Bank Building.

I would estimate this building could not have cost the Government less than four million dollars.

This is largely due to the fact that it is completely faced with granite, which in most instances is two feet thick, and which had to be transported here from the quarries of Quincy, Mass.

It is interesting to find an old photograph obtained from Mr. Morris H. Levy, showing a large block of granite for this building taken when the block was removed from the quarries.

I would estimate that there are approximately 150,000 cubic feet of granite in the structure and that its cost in place, could hardly have been less than \$750,000.

The plans which we have before us make us realize the stupendous task being undertaken by the builders of this great edifice, not that larger or heavier structures had not preceded it, but that a building of its weight and magnitude, had probably never been attempted in a soil with so little resistance.

With no precedence to guide them, our worthy predecessors were undertaking a large responsibility, and every known precaution was brought into play in order to bring their labors to an accomplishment.

The foundations we are told, were seven feet below the level of the sidewalk, before the settlement occurred; probably now about nine feet six inches below.

There was first placed a layer of planking about four inches thick directly on the bottom, over this were placed twelve by twelve

timbers laid parallel to the wall, and over this grillage were transverse timbers twelve by twelve, placed from two to three feet apart.

In the space between these timbers and completely covering the cross timbers to a depth of about twelve inches, was placed a concrete, and upon this, the brick foundation of the walls and piers was started.

The interior masonry piers rested on similar foundations, but to assure a proper distribution of the weight on the continuous foundation, between piers, inverted brick arches were built.

To those who have closely observed the settlements in the older buildings of our city, most of which have their masonry foundation resting on layers of planking, the question naturally arises as to the life of the timbers and planking so used.

We are told that timber placed below the water level in the soil, will not decay.

We are also informed that since our new system of sewers has been in operation, the water line in the soil has been lowered.

What then are the probabilities of the huge timbers under this building disintegrating thereby causing further subsidence and probably unequal settlements that may completely ruin the structure.

I believe I can assure you with reasonable certainty that these fears need give you no alarm.

There are no drainage or sewer lines in this locality more than five feet below the surface and since this, under present conditions, is the only means for withdrawing the water from the soil, it is manifest that the foundations are liable to remain saturated for hundreds of years to come.

The recent wrecking of the Old Cotton Exchange, indicates that at a distance of six feet under the soil, there was sufficient exclusion of air to prevent deterioration.

All timbers removed from this foundation, which was in many respects similar to the Custom House foundation, were as sound as the day they were put in.

It appears to me rather strange that our worthy predecessor Wood when designing a building of this magnitude on a soil of such limited resistance, should have reconciled himself to the use of brick masonry groined vaults for the support of most of the floors.

Masonry arches are so dependent on the complete stability of its supports, that it appears almost incomprehensible, that their integrity was not affected by the subsidence of the foundation.

The mathematical precision entering into the distribution of the load must have been perfect, as I can find no rupture in a single groin that would indicate an absence of uniformity in the settlement.

I will accredit him with more courage than we would have today; he took a chance and he won. Particularly when calculations show that he was loading the soil nearly three times as much as we are permitted by law, to load it today.

These groined brick vaults completely support the floors of the second story except the floor of Marble Hall, and the corridors immediately surrounding, which are supported on iron beams with brick arches springing from one to the other.

The third story is similarly supported, but the fourth floor is supported entirely on beams and arches. To be sure that the sound from the floor above would not reach the floor below, a double set of brick arches were put in with a dead air space between.

It appears from the records that the whole roof was changed by Mullett when he altered the plan in 1871 and that it is now partially of frame construction.

The whole central tower feature over Marble Hall was also changed by Mullett to reduce the cost, and a large skylight was inserted to give light down in the center of the building, which originally, Wood had contemplated bringing down through the lantern.

By analysing the plans, I find that the original marble stairs leading from the four entrances to the second floor, were also changed.

The ones on Decatur Street and North Peters Street being entirely omitted. Those on Canal Street were made straight instead of curved at the bottom as originally shown.

In every building there is some feature, some spot, that stands out more prominently than all others. In the Custom House it is the Marble Hall. This, I believe, is purely a local name established by custom, but worthy of its calling.

This room, immediately in the center of the building is ninety-five feet wide by one hundred and twenty-five feet long, with a height of fifty four feet.

The roof above is supported by fourteen marble columns with beautiful Corinthian capitals.

All the walls, pilasters, cornices, trim and floor of this room are of marble.

Over the doorway on the east end of Marble Hall are three bas reliefs carved in marble.

In the center is placed the seal of the State of Louisiana; on the left of the seal, a life size relief of Bienville, the founder of the city, and on the right of the seal, a life size relief of Jackson, its defender.

The whole proportion of this room is good and the style simple and dignified. It may have been the work of Dakin, though no specific mention is made of this fact.

In the corridor to the west of Marble Hall, there is a unique and unrelated freak of the architect's imagination.

Here, standing alone, and as before mentioned, without any relation to other features, are two heavy granite Greek doric columns, short and stumpy without bases, and with heavy entasis; these two pillars are faithfully performing their function of supporting the upper structures, oblivious of their loneliness and the incongruity of their surroundings.

The exterior facades of the building have been executed in conformity with the original, up to the cornice.

Apparently, Mr. Mullett was dissatisfied with the original design of the cornice and substituted the present one, accentuating the entrances intended on the four streets with a pediment, and changed material to cast iron instead of granite.

To my mind, it was a wise alteration, except for the use of cast iron. The original treatment suggested by Mr. Wood was crude and lacking dignity and proportion.

It is probably not becoming to criticise or pick flaws in the design of a brother architect, but I believe I may record my views by quoting Addison's definition of taste as follows: "I think I may define taste to be that faculty of the soul which discerns the beauties of an author with pleasure, and imperfections with dislikes." I base my criticism in this quotation, but will make it mild.

It is impossible to explain the promptings of human imagination. Why the author of this design, sought the mysteries of the Pharaohs, in far off Thebes on the Banks of the Nile to enrich the forms of the capitals of his columns, the shafts of which he borrowed from the Athens of the Age of Pericles, this shaft sitting on a base unearthed probably from the ruins of Ancient Rome, are mysteries that must forever remain unsolved.

Why the authors of the cornice of the building, attempted the use of Greek motives enriched with the well known lotus of the Egyptian can never be explained.

These extreme manifestations in the application of the ancient style would probably be criticised in our modern, academic schools of design; but when we consider the many architectural aberrations

that have been created since the sixteenth century in every country in the world, we should hesitate to issue any violent protest on such minor departures.

As a whole there has been created a simple, dignified edifice, free from any shams, or misrepresentations, embodying massiveness, with accompanying strength and truly representative of the period of its inception, and the governmental functions it was erected to protect.

We marvel and stand in awe before the pyramids of Egypt, wondering what period of time must have elapsed, previous to their erection, for these people to have attained a civilization which could be glorified in such monuments.

We look upon the temples of Ancient Greece as the perfection of Architectural Art not surpassed even to this day.

The splendor of Roman Architecture has filled hundreds of volumes of praises by modern critics.

The towering masses of our Gothic Cathedrals have inspired us with the greatest emotions.

These manifestations of the human imagination conceived and brought to a reality are the true record of the people who erected them, and the only perpetual records for the historian's guide in chronicling the great events of their period.

As years pass on therefore, our own great building will gradually appreciate in value, and as an heirloom that we transmit to our progeny, will grow in their respect and reverence, generation by generation, until time will make it an historic monument.



TO MAKE THE CUSTOM HOUSE THE FINEST IN THE LAND

(Times-Democrat, April 27, 1914.)

If the plans now being worked out by E. J. Rodrigue, surveyor of the port, are carried out by the Federal Government, the New Orleans Custom House will rank with any public building in the United States. Mr. Rodrigue believes that an appropriation of perhaps \$300,000 can be procured from Congress, and, if that sum is added to \$250,000 now standing to the credit of the local sub-treasury, the historic structure in Canal street can be finished after the original design of the architect.

About two years ago, when the government contemplated purchasing a suitable place for the sub-treasury in the business district, the sum of \$250,000 was set aside for the purpose. This money has never been expended, but still is held to the credit of the New Orleans Sub-treasury. If added to the amount desired by Mr. Rodrigue it would provide for the expense of placing the handsome dome over the Custom House, improving the facade and otherwise bringing the granite edifice up to the plans made more than fifty years ago.

When the new Post Office in Camp street is ready for occupancy, the different departments of the New Orleans Post Office will be taken from the Custom House, and installed in the Camp street building, and it is thought best to keep complete plans for the renovation of the interior in abeyance, until the Post Office and courts are taken out.

Improvements Planned

One of the several improvements contemplated, and which will soon be carried into execution with the expenditure of comparatively little money, is the overhauling and cleaning of the Marble Hall. This spacious part of the Custom House, situated on the second floor, generally is regarded as one of the finest auditoriums in the United States. In point of area and height it has no superior, and after it is cleared it will be beautiful. A series of fourteen massive marble pillars, nearly ninety feet in height, supporting the roof over the Marble Hall, are not excelled anywhere in the country. These columns are composed of pure white Italian marble, imported from Italy in a crude state, and finished by artisans engaged in the work of building the Custom House.

The government spent something like \$15,000 on each of the marble columns. The ceiling of the Marble Hall is covered with ground glass with stained borders. At the top of each marble column are bas-reliefs of the gods Juno and Mercury. At the right end of the hall, as one enters from the Canal street door, are two panels with life-size bas-reliefs of *Sieur de Bienville*, the founder of New Orleans, and General Andrew Jackson, who saved it from capture by the British. Between the two panels is the coat of arms of Louisiana, a pelican feeding its young ones. The flooring in the hall is of white and black marble, with plates of heavy glass to admit light to the engine rooms below.

A curious thing in connection with the contour of the granite structure is that the frontal on Canal street exceeds that on the rear street, Iberville, by nearly one hundred feet. To the casual observer, the Custom House presents a square, but the plans show that it is almost the contrary. It has a length of 340 feet in Canal street, 252 feet in Iberville street, 309 in North Peters street and 297 in Decatur street.

In the minds of some people the impression still prevails that the Custom House stands on layers of cotton bales. This fallacy is somewhat akin to the one that Gen. Jackson's army fought the invading British forces from behind breastworks of cotton bales. The foundations of the Custom House rest upon a plank flooring seven feet below the street level. On this flooring a grillage of twelve-inch logs rests, and the space between the logs is filled with concrete, thereby affording the best foundation that could be devised when the building was planned. The interior walls rest on inverted arches.

The ground upon which the Custom House stands was used for the same purpose long before Jefferson acquired Louisiana from France. On a small portion of the land nearest Decatur street a small hut was built by Gov. Bienville for collecting duty on merchandise brought through New Orleans. This building was reared soon after the foundation of New Orleans in 1718, and the Creoles referred to it as "*La Douane*." The entire square, bounded by Canal, Decatur, Iberville and North Peters streets, was ceded to the United States by the First Municipality of New Orleans on June 29, 1848. Work on the Custom House was begun soon after, and continued until the commencement of the conflict between the States in 1860.

As designed by A. T. Wood, the New Orleans Custom House was to excel any similar structure in the United States. Liberality on the part of the Federal government gave the architect full sway, but the unfortunate war put an end to the complete realization of the

plans. The Treasury Department appointed a commission consisting of Alcee La Branch, Denis Prieux and William McKenree Gwin to handle the big undertaking when the appropriation was made. Major Beauregard who, later became a general in the Confederate army, superintended the building operations for several years.

In 1871 operations were resumed, but the plans were modified to such an extent as almost to disfigure the building. One of the features of the Custom House was to be a massive dome directly over the center. Cupolas and pillars were to break the harsh effect of the plain granite exterior, and niches were made to accommodate the country's famous figures. Under the revised plans it was thought best to do away with all ornamentation and make the Custom House a thoroughly utilitarian proposition. Fortunately the Marble Hall had been finished, else it is extremely doubtful that Uncle Sam would have spent \$15,000 on each of the fourteen columns that grace it.



**JUDAH PHILIP BENJAMIN
or JEWISH PROPHECY FULFILLED**

By Joseph Mitchell Pilcher

Mr. President, Ladies and Gentlemen:

As will be seen, I have not attempted biography. This paper is but a summary of the life of America's most eminent Jew, and the prophecies concerning his people which found fulfillment in his life.

A jurist, an agriculturalist, an orator, a statesman and a diplomat of the first rank—such was Judah Philip Benjamin. It is therefore with no little pride and admiration that we point to the very robes and wig he wore while Queen's Counselor, now treasured among the relics of the Louisiana Historical Society's valuable collection.

In quoting Scripture I have used the Douay translation. For biography I am indebted to Dr. Pierce Butler's comprehensive work, "*Judah P. Benjamin.*" This work is the only complete biography of the great Benjamin yet written. It is indeed a monument to Dr. Butler's tireless and exhaustive research in a scholarly narration of the life of "the Jewish lawyer and statesman, who after conspicuous success at the bar in this country, after continuous service in the leadership of the Confederacy, again achieved the most honorable triumphs at the bar of England."

**JUDAH PHILIP BENJAMIN
or JEWISH PROPHECY FULFILLED**

By Joseph Mitchell Pilcher

"The Lord shall scatter thee among all people, from the farthest parts of the earth to the ends thereof." Thus spoke Moses to the Children of Israel in the 28th chapter of Deuteronomy. And since the prophetic utterance of the greatest of lawgivers, history has been replete with the astonishing and no less marvellous story of the Wandering Jew. For the Lord has chosen the Jews "to be His peculiar people of all peoples that are upon the earth."

We have met tonight to review the life of one of the "Chosen Children" of this "peculiar people," to mark how strikingly his life has been the fulfillment of prophecy concerning Israel. For Destiny marked him for her own in his goings and comings upon the face of the earth. His story begins in the West Indian island of St. Thomas. "Wars and rumors of wars" always bring about strange vicissitudes in the history of men and nations. To these we trace certain historical phenomena and the accountability for chance happenings so potent in the destiny of the Jew.

It was just prior to the War of 1812 that a ship, sailing from England to New Orleans, was prevented entering the Mississippi because of a British fleet already blockading its mouth. The ship, therefore, veered its course and put in to the West Indies, landing at the Island of St. Thomas, at that time a British possession. Among the passengers on board was Philip Benjamin and his young bride, Rebecca de Mendes. They had left London to seek their fortune in the West Indies where relatives of the bride had removed and prospered. Moreover, Philip Benjamin being of a restless nature was not long to continue in one stay.

On the island their first child, a daughter, was born, and on August 6th, 1811, Judah Philip first saw the light. Thus his being born under the Union Jack was merely chance, the result of the rumor of the War of 1812. In this wise the gambling freaks of Fate withheld from our shores the nativity of one of our most eminent sons. Still it is prophetic to us of this day when we consider that his was the birthplace of the great Alexander Hamilton, whose far-reaching ken foresaw the division of the republic he helped to fashion, and in which our subject played so great a part.

Now the name of Benjamin has a prophetic significance. In the 49th chapter of Genesis is recorded Jacob's prophetic blessings upon his sons, the twelve patriarchs of Israel's twelve tribes. "Benjamin, in the evening shall divide the spoil." Of our subject we find this eloquently true, for at the end of each and every undertaking of his eventful and varied life we find him successful, in the evening dividing the spoil. And in the evening of his life we find him ranking among the great captains of the world, with spoils to divide, and the laurels of two great commonwealths to crown his life and work.

But with his father the prophecy did not obtain, for Philip Benjamin was "that rara avis, an unsuccessful Jew." His given name, being of Gentile origin, seemed to counteract the prophecy of Jacob. However, his son was not to suffer from the name, Philip, since the

prophetical blessing of Jacob to his son, Judah, was: "Thee shalt thy brethren praise." "He shall be the expectation of nations."

In the Catholic Encyclopedia, under the title of "Judah" appears the following: "The name 'Jews' (Judaei) by which the post-Exilic Israelites and their descendants are generally designated, is, of course, derived from Judah. Thus the history of the Chosen People is to a great extent the story of the varying vicissitudes of the dominant tribe of "Judah." And a review of Benjamin's life reveals the literal fulfillment of certain Jewish prophecies and a repetition of their astonishing history.

Whatever business Philip Benjamin followed in St. Thomas, it evidently was not a success, for we find him again on the move. This time he sought fortune in Charleston, S. C., where the family increased with the inverse decrease of his finances. At Fayetteville, N. C., Judah prepared for entrance to college. Here his brightness and aptness gained for him the reputation of being "the brightest boy in the school." Finishing here he entered Yale in 1825, attending for nearly three sessions. That he ranked as one of the best scholars is evidenced by a prize-book received "for excellence in scholarship."

Leaving Yale he returned to his family, and for a time Judah was the sole support of the Benjamin household. The South was now beckoning to him, offering spoil for him to divide. And as it is written in Genesis 38, verse 1, "Judah went down from his brethren," so our Judah did likewise, coming to New Orleans in 1828. Arriving here with less than five dollars in his pocket he obtained employment in a commercial house. Here he acquired a knowledge of business forms and methods invaluable to him later.

His career in the commercial house was not for long for his mind had turned to law. Securing a position as clerk to a notary he studied law after business hours. Recognizing the advantage of a knowledge of French he agreed to teach English and other subjects to students who would in turn teach him French. It was thus he met Mlle. Natalie St. Martin, and the result was two-fold: a knowledge of French, and a love for the captivating Creole belle. In 1832 Benjamin was called to the bar, and a few months later was married to his lovely Creole pupil and teacher. Thus in learning she had taught him, and as Longfellow would say, "drawing, yet she followed."

Associated with Conrad and Slidell, Benjamin was soon to gain reputation by preparing a "Digest of the Reported Decisions of the Superior Courts in the Territory of Orleans and the State of Louis-

iana." This digest was intended for personal use, but it became so useful to fellow lawyers that its value was soon apparent. After revision it was published and held the field for many years. Tho no longer considered a standard treatise, suffice it to say, the "Digest" gave him prominence at that brilliant bar, ranking him with the Slidells, Pierre Soulé, Mazureau, and Roselius.

In 1842 occurred the celebrated "Creole Case," which Benjamin had with Slidell and Conrad. Since I am not here to discuss law I mention the case only in passing. Those wishing to avoid technicalities will find a logical analysis of the case in Dr. Pierce Butler's "*Judah P. Benjamin*," pages 41 and 42. The law in the case is recorded in Robinson's *La., Reports*, Vol. 10, pages 202, 279, and 339. This suit involving international complications almost brought about a clash with Great Britain. Benjamin's brief of the case was widely circulated and brought him into national prominence. It is prophetic that he should have become a national figure in connection with slavery, the very issue he so ably defended in the U. S. Senate, later casting his lot with the Confederacy in the final defense thereof.

About this time he invested in the Plantation of Bellechasse, just below New Orleans. Here he became interested in sugar-making. His experiments revolutionized the sugar industry in Louisiana. In *De Bow's Review*, Vol. 2, pages 322 to 345, November, 1846, he gives comment and suggestions concerning the sugar industry which placed him among the eminent chemists and agriculturalists of the South. Thus we find him not only eminent at the bar, but a successful agriculturalist and a chemist of note. It is meet that so he should be since in Deuteronomy, 28th chapter, verse 3, it is spoken of the Jew: "Elesed shalt thou be in the city and blessed in the field."

His next successes were attained in politics. Election to the last sessions of the Legislature held under the old Constitution marked his entry in a new field. The extraordinary young man already surpassing Soule and Roselius, was next elected to the Constitutional Convention. To him Constitution-making was a business. Present at every sitting of that long convention he "bore the lion's share of the work."

In 1852 he was elected to the U. S. Senate on the Whig Ticket but later became a Democrat, the Whig party having merged into the Know Nothings. In the Senate he was one of the ablest debaters. His farewell speech to the Senate, after the secession of Louisiana, "sent an electric thrill thru out the civilized world." A noted Englishman, having read the speech, declared it to be: "Better than (their) Benjamin (meaning Disraeli) could have done."

On one occasion a Senator from Kentucky, in the heat of debate, referred to him as "that Jew from Louisiana." In reply, Benjamin said: "The gentleman from Kentucky, forgetting his honorable and exalted position has stooped so low as to assail me on the point of my religious faith. Sneeringly he calls me a Jew. Well, sir, I am a Jew. But when his ancestors were herding swine upon the plains of Scandanavia, mine were following the Maccabees to victory." True to the Mosaic prophecy, the Jews have become "a by-word," yet "a proverb" to all people. The foregoing instance is eloquent evidence of both. All thru his public career Benjamin had to contend with this anti-Semitic prejudice. But he was by no means the first of his race to suffer from it. The prejudice the world has had for the Jew and his attendant persecution, are as old as history. Parenthetically I shall venture a few facts of interest in this connection.

Whether born of divine will or human vengeance, the persecution of the Jew is one of those historical phenomena for which philosophy itself cannot account. Tracing its beginning we are led to a remote antiquity and find that it is unparalleled. In Genesis 43, verse 32, we learn that "It is unlawful for the Egyptians to eat with the Hebrews, and they think such a feast profane." In the annual carnivals of Rome Jews were compelled to parade thru the streets dressed as buffoons, and to ride backwards on donkeys, holding the animals' tails in their hands. Ovid, speaking of them said: "Their sabbath is a lugubrious day." Petronius affirmed that "they worshipped the hog and the ass." In Toulouse, France, it was an ancient custom on holidays to assemble the Jews of the city in the public squares and spit upon them. These are but a few of the countless instances History records. Inseparably linked with the history of the world is the story of the persecution and prejudice meted to the Jew, in spite of which he has been our man of letters, artist, and scientist. He has rocked the world of thot and moved the world of commerce and finance. "He is the expectation of nations."

Benjamin was 51 when the storm of the Civil War broke upon the country. He was in the ripe vigor of every faculty, a jurist and statesman of wide experience and comprehensive knowledge. His was the foresight and wisdom acquired from tenure of high places and the successful handling of great responsibilities. Upon his resignation from the Senate the Convention at Montgomery offered him the appointment of Attorney-General. Speaking of him in his "*Rise and Fall*," Davis comments: "Mr. Benjamin, of Louisiana, had a very high reputation as a lawyer, and my acquaintance with

him in the Senate had impressed me with the lucidity of his intelligence, his systematic habits and capacity for labor. He was therefore invited to the post of Attorney-General.

On September 17th, 1861, he was appointed Secretary of War, but with the fall of New Orleans became so unpopular that Davis removed him to a post more suitable for one of Benjamin's capacity. On March 17th, 1862, he was appointed Secretary of State, which post he held until the close of the war. That he was "the brains of the Confederacy" is evidenced by the following summary of Benjamin's ability: "A man of great fertility of mind and resource and of facile character, he was the factotum of the President, performed his bidding in various ways and gave him the benefit of his brains in furtherance of the views of Mr. Davis."

As a diplomat he made history for the Confederacy, playing for the stake of foreign recognition. His Socratic wisdom foresaw that without this recognition the Confederacy as a government could not long endure. And tho his efforts did not successfully obtain in securing this recognition, we cannot judge as a consequence that the handwriting on the wall was actuated by faulty diplomacy. Success naturally results in prestige, and the events being of such moment as to rock the western hemisphere, history quite naturally has not forgotten the prestige of success falling to the lot of the Union cause; but Lee's surrender at Appomattox by no means signifies he was outgeneraled, his battalions outmaneuvered.

With the surrender of Lee's army the Confederacy vanished like a moving cloud. The government at Richmond was no more, President Davis and his Cabinet having fled at first news of the surrender. Benjamin, by means of disguise, reached the Florida coast, and escaped to the Bahamas in an open boat. Taking passage to England he arrived in London to begin anew. The sternest test of his character was yet to come. Instead of stepping into obscurity he stepped forth from the darkness of defeat into everlasting fame. It was Heine who said: "Wherever a great soul utters its thots, there is Golgotha." To the Jew Golgotha is another word for ultimate triumph. And to Benjamin it was achievement of honorable triumphs at the English bar. Following his appointment as Queen's Counselor occurred the publication of his celebrated treatise on "Sales." This established his reputation. It has since become a classic. With his fortune repaired, he retired from practice, bidding farewell to the bench and bar at the Temple banquet held in his honor. On May 6th, 1884, at his home in Paris, he was "gathered unto his fathers."

Thus ends the story of Judah P. Benjamin, "the expectation of nations."

Benjamin, tho an emigrant to our shores, really "found himself" in America. And even tho he chanced to be born 'neath the Union Jack, and transferred his citizenship and allegiance to Great Britain, his forgetting America was as much out of the question as America's forgetting him.

Some men make their place in history by the things they say, others by what they do. Few in the world's history have the credit of both and to that class belongs Judah Philip Benjamin. His is but one of the long list of Hebrew great names which history records. Let us call the roll of Israel's Great and watch the mighty procession as it moves:

There is Abraham among patriarchs; Moses among law-givers; Isaiah and Jeremiah among prophets; David and Solomon among kings; Philo, Maimonides, Mendelssohn and Spinoza among philosophers; Offenbach, Joachim, Rubinstein, Mendelssohn and Strauss among musicians; Auerbach and Nordau among novelists; Heine among poets; Josephus, Neander, Palgrave and Graetz among historians; Disraeli, Gambetta, Benjamin, Castellar, Lasker and Cremieux among statesmen; Bernhardt and Warfield among actresses and actors; Carl Mar and Samuel Gompers among political economists and labor leaders, and others ad infinitum.

In fact we find the Jew excelling in every field of thot and human achievement, in science, in literature and every art excepting sculpture. The Jew is not a sculptor because of the injunction contained in the Second Commandment: "Thou shalt not make thyself a graven thing."

What Christendom owes to the Jew was best expressed by Heine. After quoting Homer's description of the feasting gods, he says: "Then suddenly approached, panting, a pale Jew, with drops of blood on his brow, with a crown of thorns on his head, and a great cross laid on his shoulders; and he threw the cross on the high table of the gods, so that the golden cups tottered, and the gods became dumb and pale, and grew even paler, till they at last melted into vapor."

Let us remember therefore that were it not for the Bible and the Jews mankind would be groping in the blackness of Egyptian midnight. Let us remember, too, that in spite of this prejudice and persecution heaped upon the Children of Israel thru the ages, they have yet managed from the caves of the prophets and from the hovels of the ghetto, to plant in the garden of life its fairest flowers. And in con-

clusion, it can be said of America's most eminent Jew and his people, as it was said of the greatest of prophets: "But there are also many other things which (they) did; which, if they were written every one, the world itself, I think, would not be able to contain the books that should be written."



EDWARD LIVINGSTON

By Mr. Merrill Moores of the Indiana Bar.

*Read before the Louisiana Historical Society on Tuesday, April 26, 1921,
by Hon. W. O. Hart.*

In a conversation with President Taft some ten years ago, he said to me that he knew of no American who had had so varied, interesting and useful a life as Edward Livingston, of whom at that time I had no knowledge. Having made a study of the life of Livingston since, I am strongly inclined to agree with the former President.

Of one thing I feel quite confident, which is that there is no other family with whose story I am familiar which has had so many famous members on both sides of the Atlantic as Edward Livingston's family.

The authentic history of the Livingston family goes back to the death of James I, of Scotland, in 1437. When Sir Alexander Livingstone, of Calendar, was appointed by the estates of the Kingdom, one of two joint regents of Scotland during the minority of James II, then six years old, Livingstone being made Keeper of the King's person, and his associates Crichton Chancellor. The story of how the two regents murdered the young Earl Douglas at the royal table is familiar to all readers of Scottish history.

James Livingstone, the son of the regent and royal tutor, became the first Lord Livingstone. The fifth Lord Livingstone was made guardian of Mary, Queen of Scots in 1543, when the young queen was nine months old, and accompanied her to France in 1548 for her betrothal to the French Dauphin, and died there five years later. Among his descendants were the Earls of Linlithgow, Calendar and Newburgh and the Viscount of Kilsyth; but all of these family titles are now extinct, two by attainder and the other two by failure of direct heirs.

From the time of Mary Stuart, the greatest of the Livingstons are those of Livingston Manor, in New York, a royal grant, dated 1686, of 160,240 acres, to Robert Livingston, between whom and the guardian of the baby queen came in turn John Livingstone, a soldier killed at Pinkiefield in 1547, and three generations of Presbyterian preachers, Alexander, William and John, the last a famous pulpiter,

and in 1650, one of the two commissioners appointed on the part of the Kirk, acting in conjunction with commissioners appointed by the Scots' parliament, to negotiate with the exiled Charles II at Breda in Holland for his restoration to the Scottish throne. This Reverend John Livingstone, who was a famous writer of theology, was in 1654 in charge of a little church in Ancrum in Teviotdale near Melrose Abbey; and it was in the parsonage at Ancrum that Robert Livingston, the immigrant ancestor of a score of famous Americans was born. During his father's banishment by Charles II of nine years in Holland for non-conformity, Robert had learned the Dutch language and on coming of age he sailed for New Amsterdam, and took up his residence in Albany, where he married Alida Schuyler, widow of the Reverend Nicholas Van Rensselaer. He was given a small municipal office and in ten years was a wealthy man purchasing from the Indians the 160,000 acres for which in 1686 he received a royal patent as "the Lordship and Manor of Livingston."

The manor commenced about five miles south of the present city of Hudson and had a frontage of twelve miles on the Hudson river and about twenty on the Massachusetts and Connecticut boundary.

The first Lord of Livingston Manor held half a dozen colonial offices and was the warm friend and financial backer of Captain Kidd, for whose treasures the neighbors are still digging near the old manor house. He had five sons and four daughters by Alida Schuyler, and at his death the eldest son Philip took the greater part of Livingston Manor. One of his grandsons, Philip, signed the Declaration of Independence, and another, William, was a brigadier-general, a member of Congress in 1776 who could not sign the Declaration because absent on military duty, governor of New Jersey for fourteen years, a poet, lawyer and editor and the father of Brockholst Livingston, for many years a justice of the United States Supreme Court. The second son of the first Lord of Livingston Manor was Robert, who was given 13,000 acres, known as Clermont manor; and Robert, of Clermont, was father of Robert R. Livingston, a justice of the Supreme Court of the Colony of New York, and he was the father of Chancellor Robert R. Livingston, and of Edward Livingston.

Chancellor Livingston, the elder brother, was a member of the Continental Congress, and one of the committee of five who drafted the Declaration of Independence; but like his cousin William was prevented by other duty from signing. He was chancellor of New York from 1777 until 1801, during which period he was also a member of the Continental Congress and secretary of foreign affairs of the

Confederation. He financed Robert Fulton and named the first steamboat for his manor of Clermont. The chancellor was minister to France from 1801 to 1805 and conducted the negotiations for the purchase of Louisiana.

Edward Livingston was 17 years younger than his brother the Chancellor, and was born at Clermont in 1764. His eldest sister was wife of General Richard Montgomery, who fell at Quebec in 1775. Five other sisters married almost equally famous men; and of two other brothers, least known to fame, one was a colonel in the revolution.

One need not be surprised by so elaborate an introduction to the Livingston family, when one recalls that in the royal colonies of New York and Virginia colonial government was largely a family affair, as it has been for centuries in England, where one cannot read understandingly the history of any period without access to a peerage.

The men of the Livingston family were almost without exception cultivated and well-educated, possessed of pronounced literary and artistic tastes and accomplished linguists. A few of them were graduates of Columbia; but most of them were educated either at Yale or Princeton.

Edward Livingston was graduated at Princeton in 1781 at the age of seventeen, in a class of six, the only other member of which to achieve distinction being William B. Giles, of Virginia, for a dozen years a member of the House, and three times chosen for the Senate, to become later governor of Virginia. The President of Princeton was then the Reverend John Witherspoon, who was a magnificent representative of the church militant, having led a body of men to the relief of the Young Pretender at Glasgow in 1745 and who was a member of the Continental Congress throughout the entire war of the Revolution, being a member of the secret committee on the conduct of the war and also a member of the Board of War, as well as an able and prolific theological writer and an eminent leader in the Presbyterian church.

Livingston read law with Chancellor Lansing in Albany, among his fellow students being the future Chancellor James Kent, and Alexander Hamilton and Aaron Burr.

No better born nor better educated man than Edward Livingston graces the early history of the American people.

It is not the purpose of this paper to tell the story of his life further than is necessary to some sort of understanding of the mystery of the motive which impelled Thomas Jefferson to follow Livingston, throughout Jefferson's life with unrelenting vindictiveness

and unceasing persecution. There is no time in an hour's paper even to tell the whole story of Jefferson's bitter hatred, the occasion for which no one now knows.

The marquis de La Fayette at the age of 19 came to America in 1777 and almost at once became acquainted with the Livingston family and an attachment sprang up between him and the 13 year old Edward, which continued through life. Each spoke freely the language of the other, and several times the boy Edward was for days the guest of Lafayette at Washington's headquarters.

After the Revolution the Livingston family supported the new Constitution and co-operated with Hamilton and the federalist party in advocating its adoption. A tactless act of Alexander Hamilton alienated the entire family from the federalist party. The Livingstons supported General Schuyler, Hamilton's father-in-law, for Senator from New York but preferred another federalist to Rufus King, who had come from Massachusetts to New York less than a year before; but Hamilton procured the election of both Schuyler and King and the Livingstons left the party and were largely instrumental in accomplishing the defeat of Schuyler by Aaron Burr, two years later.

The lord of Clermont Manor had always maintained a town house near the corner of Wall and Pearl streets in New York, as well as manor house. Here Edward lived with his mother and opened a law office; and here he brought his wife Mary McEvers to live after his marriage in 1788. In 1794, when Edward was 30, he was candidate of the anti-federalists for Congress against the sitting member, John Watts. The district was the city of New York, which now has 14 members. Livingston carried his district by 205 votes, and was twice re-elected. Within three months of taking his seat, he distinguished himself in debate, taking the then new ground that Congress was not bound to appropriate money to carry out a treaty obligation. Notwithstanding Livingston's opposition the bill passed by a narrow margin, saving the credit of Washington and Hamilton. Madison, Gallatin and Giles were with Livingston; but Livingston's argument is much the strongest. The chief proponents were the many-sided Theodore Sedgwick and Fisher Ames.

In his second election Livingston defeated James Watson, afterwards United States Senator, by 550 votes, after Alexander Hamilton had made a personal canvass of the entire district against Livingston. At this time Francois la Rochefoucauld-Liancourt classes Livingston with Hamilton and Burr as "personages who

deserve particular mention", and speaks of Livingston as "one of the most enlightened and most eloquent members of Congress."

In this Congress Livingston spoke earnestly and eloquently against the establishment of the Navy Department, taking the same grounds which President Harding has just given as reasons why it should be abolished. Following this Livingston achieved national fame by his eloquent opposition to the Alien and Sedition laws, the passage of which wrecked the federalist party.

In 1798 he defeated his cousin Philip Livingston by 175 votes. It was in this, his third term, that against the overwhelming majority of his party he took sides with a new member John Marshall as to the conduct of President John Adams in the Jonathan Robbins case, defending the action but denouncing Adams' interference with the judiciary. It was in this Congress too that he first took up what became his life work, the reform of penal administration.

Livingston was not a candidate for re-election in 1800 at the election in which Jefferson and Burr each received seventy-three votes, Adams 65, Pinckney 64 and Jay 1. Under the Constitution as it then stood, the election was thrown into the House, that body being required to vote by States, with one vote for each State and choose one of the two highest for President and the other for Vice-President. Jefferson was at the time Vice-President. Burr was a resident of New York and had been Senator until 1797.

For 35 ballotings the States voted; eight for Jefferson, six for Burr, with two States, Vermont and Maryland equally divided and not voting. Livingston was for Jefferson and held five other New York members with him for 36 ballotings casting New York's vote for the Virginian. On the last ballot the votes of Vermont and Maryland were cast for Jefferson and elected him. Without doubt the election of Jefferson instead of Burr was largely due to the efforts of Edward Livingston. It is known that they were at the time warm friends and in constant consultation.

Livingston ceased to be a member of Congress March 4, 1801, and returned to New York, where on March 13, less than a week after his return, his wife died of scarlet fever, leaving him with three small children, aged 10, 6 and 2.

Within a day or two after the funeral Jefferson appointed Livingston district attorney for New York, the district including the entire State.

August 24 of the same year Livingston was chosen mayor of New York, an office to accept which as Livingston's successor, De-Witt Clinton resigned his seat in the United States Senate.

In addition to the duties now performed by the mayor of that city, Livingston, as mayor, had to preside over a court of the broadest general jurisdiction, civil and criminal, trying all capital offenses. The earliest New York report is Colman's Cases. The second in time is the report of Livingston's decisions in the Mayor's Court. His duties as district attorney were equally arduous. The city had a population of a trifle more than 60,000, and the State a trifle less than 600,000.

He was thirty-seven years old, United States district attorney for the entire State of New York, and charged, under the system then in vogue with the collection of vast sums collected at the port of New York as well as at Buffalo and elsewhere in the State, a duty now performed by treasury officials. He was mayor of the largest city in the country. He was judge of an important and busy court and he had the entire care of three small motherless children. It goes without saying that he had to discharge his duty of making government collections by deputy.

In the summer of 1803, an epidemic of yellow fever came to New York. It came in July and lasted until the end of October. "The public alarm was great and universal. As a rule all who could possibly leave the city for a place of safety did so. As usual, however, there were many instances of selfishness and cowardice on the one hand and on the other many examples of heroic philanthropy." One does not need a "minute picture of those dismal scenes of which the city was then the theater, so like other often painted scenes of pestilence enacted elsewhere—the hospitals, the streets, the shipping, the flights, the burials,—in order to comprehend the position of the Mayor, or to appreciate his conduct. He regarded himself bound, as by a sacred contract, to remain steadfastly at his post, and calmly face the public enemy without the slightest attention to what might be the consequences upon himself."

"He kept a list of the houses in which there were any sick, and visited them all, as well as the hospitals, every day, ascertaining and supplying the indispensable needs of the poorest and most forsaken of the sufferers." "He went about the city at night to see for himself if the watchmen were thorough in their duty."

At last and near the end of the epidemic, Livingston himself was taken down by the epidemic, but after a violent, although short, crisis, he made a rapid recovery.

During the two years he had been Mayor he had left the accounting for the large sums of public funds which came into his hands as district attorney in charge of his clerk and bookkeeper who

was a Frenchman, who became an embezzler and a thief. His landed estates were extensive and valuable and his income large; but wholly exhausted by unusual expenditures during the epidemic. While the yellow fever was at its height, some motive impelled Jefferson to use his attorney-general, Levi Lincoln of Massachusetts, who probably invented the midnight judicial appointment myth, to demand of Livingston an accounting of the public moneys collected. The French bookkeeper absconded. Livingston knew nothing of his books. Immediately on his recovery from the yellow fever, having no money at all, Livingston, without waiting for an adjustment of his accounts, confessed judgment in favor of the United States for one hundred thousand dollars, and transferred his entire estate to a trustee for sale, the proceeds to be applied to the payment of the amount of the defalcation, afterwards fixed at \$43,666.21. This done, he resigned both offices.

I have heard it stated that Jefferson procured Livingston to be indicted for embezzlement; but have no evidence of it and am inclined to doubt it, although, as long as Jefferson lived, he pursued Livingston with bitter hatred.

In April of 1803, Edward Livingston's brother, the Chancellor, had purchased for the United States from Napoleon the imperial domain of Louisiana. In June, LaFayette wrote to Edward Livingston a letter from which I quote this sentence: "His mission I consider as happily ended by the blessed arrangement for Louisiana. With all my heart, I rejoice with you on this grand negotiation, which, both as a citizen and as a brother, must be not less pleasing to you than it is to me." For many years LaFayette and Livingston had kept up a constant correspondence.

During the last week of December, 1803, Livingston sailed from New York for New Orleans, leaving his little children with his brother John, who had married a sister of their mother.

He took with him a hundred dollars in gold and a letter of credit for \$1,000 all that he had left of his former substantial estate.

He arrived in New Orleans in February, 1804, to find the civil law of Spain in full force. Familiar with the civil law by study, speaking with ease French, Spanish and German, the sweetness of his temper, and his simple, kindly manners made the making of friends an easy task and almost from the very beginning he acquired a large and paying practice.

The act annexing Louisiana was in terms quite ambiguous, adopting by reference the ordinance of 1787 for the government of the Northwest Territory, but also providing for the writ of habeas

corpus, trial by jury and that the laws in force in the territory, not inconsistent with its provisions should continue in force until modified or repealed.

An attempt was made by the flood of Americans, which poured into Louisiana after the purchase, to secure from the courts a decision that the words "common law" in the Act of Congress meant the "Common Law of England." A tremendous array of counsel, English, Scotch, Irish and Colonial contended for this construction, while Livingston and three French advocates, Lislet, Derbigny and Mazureau, argued for the civil law. Livingston had been less than a year in Louisiana; but his argument proved unanswerable, and the court held with Livingston's contention that the law in force in Louisiana being Roman, and Spanish and French, as were the people at the time of annexation, the words "common law" in the Act should be construed "the common law of Louisiana" and not of England. His colleague Etienne Mazureau wrote that in his argument Livingston had been "great, sublime, astonishing;" and said to him "Happy are the people whose interests are defended by a man like you." Livingston's victory stands until this day; for does not every man know that Louisiana still retains the Roman law!

In the second year of Livingston's residence in New Orleans, he recommended the simplification of the practice and prepared an act embodying a new system of procedure. It consisted of 22 sections, which contain the substance of the cumbersome Indiana code. It was immediately adopted and is the basis today of Louisiana practice. The story is told that a young lawyer recently arrived from a Common Law State called on Mr. Livingston and asked with solicitude how long it would require for him to learn the practice. Livingston has asked him to dine at four o'clock the next day; and answered that he thought he could initiate him into the mysteries of practice before they sat down to dinner.

General Wilkinson took command at New Orleans in November, 1806, having orders from the President as to securing evidence to convict Wilkinson's recent accomplice Aaron Burr of treason. Livingston called on General Wilkinson on the day of his arrival and on a return visit the General supped with his host, who knowing of the old friendship between Wilkinson and Burr casually stated that an order of Burr for money had been presented to him by a Doctor Bollman; and expressed his surprise that such a sum as demanded should be due to Bollman, a person of small means.

Wilkinson's first step was the military arrest of Dr. Bollman and two other persons. A young lawyer, James Alexander, applied

for a writ of habeas corpus to release Bollman, Swartwout and Ogden. Alexander requested Livingston to present the case in court for him and Livingston obligingly consented. When the matter came on for hearing, the General came into court in full uniform, accompanied by a brilliant staff equipped like himself. The General made his statement, asked that Alexander also be placed under arrest and proceeded to denounce Livingston by name. "The court room resounded with his menace and invective against the counsel, who had presumed to invoke in behalf of the prisoners the protecting writ of the law. He added, in a burst of passion that he would deal with counsel for the prisoners, and whomsoever dared to support them, without regard to place or to the position they might hold in the country."

Mr. Beveridge, in his life of John Marshall, thinks that the hatred of Jefferson grew out of this appearance in the habeas corpus case; but it seems to me that it must have existed long before and was doubtless accentuated by Livingston's resistance. The blustering General had sent his prisoners beyond the jurisdiction of the court; but Livingston's courageous defiance of his authority brought the General to a halt and with the exception of his outrageous arrest of General Adair, later Governor of Kentucky and United States Senator, no further military arrests followed.

There is no time to tell the story of Jefferson's oppression of Livingston in the batture matter. Briefly Livingston had purchased a portion of the river frontage from Jean Gravier, for whom as counsel he had successfully conducted litigation as to Gravier's title to it. Governor Claiborne did not approve of the decision of the court, and directed Jefferson's attention to it. The decision was unquestionably unpopular with the creoles, who had used the river bank for wharfage purposes. The land was valuable as it had grown by constant accretion and adjoined the business part of New Orleans.

President Jefferson, apparently for the reason that Livingston had succeeded in quieting his title to the land, decided without any examination of the title that it must belong to the United States; and that the court had erred. The United States did not intervene and appeal. They did not sue in ejectment or to quiet title. Jefferson's methods were much simpler and more immediately effective. The United States Marshal was directed by the Secretary of State to remove immediately by the civil power any persons who had taken possession of the batture. Livingston enjoined the Marshal from dispossessing him; and the Marshal by order of the President disregarded the writ and put Livingston off and kept him off. Liv-

ingston then sued the Marshal in the federal court in Louisiana to recover damages and be reinstated in possession; and he sued Jefferson in the federal court of Virginia for \$100,000 damages. This litigation continued throughout Livingston's life and after his death his heirs obtained a recompense for the land which hardly more than repaid the costs of the fiercest litigation in Louisiana history.

The President had given his personal attention to this litigation, and had briefed the facts and what he took to be the law for counsel. This brief Mr. Jefferson adorned with abuse, vituperation and ridicule of Livingston, the style of the brief suggesting the possibility that General Wilkinson and Jefferson's friends and collaborators, the Governor and Chief Justice Burke of South Carolina, who assisted Jefferson in denouncing the Society of the Cincinnati, had also assisted Jefferson in writing this brief of 91 pages which he had printed and circulated as a pamphlet throughout the country.

This litigation left Livingston again penniless; but his law practice continued to be large and lucrative.

Andrew Jackson had been made major general in May, 1814, at Mobile; he arrived in New Orleans, December 2. He made Edward Livingston a colonel and Livingston served as aide de camp, military secretary, interpreter, orator, spokesman and confidential adviser to his chief. His son Lewis was made captain of engineers in the motley army of backwoodsmen. Both of them were in every action and served with great gallantry.

In 1825 Livingston, in conjunction with Pierre Derbigny and Moreau Lislet, drew the civil code of Louisiana, a monumental work. Livingston's Penal Law of Louisiana took two years to prepare and was barely completed when it was destroyed by fire, not a vestige remaining. He went to work on the code the morning after the fire and in two years more had reproduced it; but it was never adopted by the General Assembly of the State. It constituted a very great advance in legislation. It was translated into French and German and studied all over the world.

Victor Hugo wrote to the author: "You will be remembered among the men of this age, who have deserved most and best of mankind." Jeremy Bentham proposed that a measure should be introduced in parliament to print the whole work for the use of the English nation.

The *Westminster Review* said: "In England the eyes of its most enlightened philosophers, of its best statesmen, and of its most devoted philanthropists will be fixed upon him, and in his own country his name will be held in lasting remembrance, venerated and

loved. He is one of those extraordinary individuals whom nature has gifted with the power, and whom circumstances have afforded the opportunity, of shedding true glory and conferring lasting happiness on his country, and of identifying his own name with the freest and most noble and most perfect institutions."

Sir Henry Maine pronounced him "the first legal genius of modern times."

Howard made him an LL. D. The Emperor of Russia and King of Sweden wrote him autograph letters of congratulation. The King of the Netherlands decorated him. Brazil and Guatemala adopted his penal code verbatim. Marshall, Kent, Madison and Story wrote to Livingston expressions of admiration; and not to be forgotten, Jefferson climbed on the wagon and wrote Livingston to say that his work "would certainly arrange his name among the sages of antiquity."

In 1822 Livingston was again elected to Congress, to serve three more terms. In 1826 he repaid his debt by turning over to an administration to which he was opposed certain property he had succeeded in freeing from litigation, from which the government shortly realized \$6,000 more than the entire debt of \$44,000 with interest.

In 1828, Livingston was defeated for Congress in the fall election; but the legislature in January elected him Senator and he entered the Senate the day his old commander entered the White House. In 1831 Colonel Livingston became Secretary of State, resigning from the Senate.

As Secretary of State Livingston drafted the proclamation of Jackson to the nullifiers of South Carolina, in the concluding paragraph of which he says: "The Union must be preserved without blood, if this be possible; but it must be preserved at all hazards and at any price."

In May, 1833, Livingston resigned as Secretary of State to undertake at Jackson's request the conduct of the claim for indemnity for French spoliations, and was appointed Minister to France. In this diplomatic work Livingston succeeded in that the indemnity was paid. Mr. Livingston returned from France aboard the Naval frigate *Constitution*, arriving in New York in June, 1835, and went to his country home on the Hudson, Montgomery Place, which had been left him by his aunt, the widow of General Montgomery.

He and Daniel Webster argued for the city the case of *New Orleans v. United States*, 10 Pet. 691, in January, 1836. He returned

from Washington to Montgomery Place, and after a brief illness, died there May 23, 1836 at the age of 72.

Those who desire to pursue the subject of this paper further are advised to read the "Life of Edward Livingston," by Charles Havens Hunt, and "Memoirs of Mrs. Edward Livingston," by Louise Livingston Hunt.



**MY RECOLLECTIONS OF THE BATTLE OF THE
FOURTEENTH OF SEPTEMBER, 1874, IN
NEW ORLEANS, LA.**

By Col. Frank L. Richardson

I took an active part in the revolt against the Radical rule on September the 14th, 1874. The State government was then under the control of the Republican Radical party headed by Gov. Wm. Pitt Kellogg.

Military companies were formed for some months prior to that event and held secret meetings and procured arms. My company was a part of a battalion, known as Louisiana's Own, Col. John G. Angell, Commander. The meeting place was at my law office then No. 54 Camp Street, upstairs. Col. J. D. Hill was second in command, Dawson Blanchard, Frank McGloin, A. Mitchell, L. L. Lincoln and Euclid Borland were captains of the companies of the battalion.

At the same time the *White League* had been organized by Gen. Fred N. Ogden and held its meetings at Eagle Hall on Prytania Street, corners of Urania and Felicity Streets. They were well supplied with Springfield rifles and a good supply of cartridges and well drilled. Wm. J. Behan, George Lord, Wm. Vandry, Rufus Pleasant, Dudley Coleman, Archie Mitchell, McEntyre and Sam Buck were the principal officers. There were other companies, unattached, organized to participate in the movement. These were commanded by Captains Glynn, Guibet, Macheca, Phillips and Stewart. Few of the companies had a complete supply of ammunition and arms. In my company there was no uniformity of arms and not more than four or five rounds of cartridges to each man, these were made from buck-shot, some in my office at No. 54 Camp Street, and others at private houses in the city.

The day had been fixed for making the attack, on Monday, the 14th of September, 1874, as a consignment of arms, which was on board of the Southern Pacific steamer, "*Mississippi*", was expected to arrive at the Bienville Street steamship landing that day. It had been determined to take them by force, if any attempt should be made by the Metropolitan Police to seize them and prevent the guns reaching the commands which were expecting them. Orders were issued for all members of the White League and Angell's battalion to meet Monday morning at their respective headquarters.

At my law office on Monday morning the members of my company assembled. There were, B. R. Forman, Captain; myself, Frank L. Richardson, First Lieut.; John Overton, Second Lieut.; Octo Ogden, Third Lieut.; and the sergeants were Dan Colcock and Drs. Pratt and Miles and Judge Henry Renshaw. Among those in the ranks was Edward Douglas White, now Chief Justice of the United States.

Most of the soldiers in my own company as well as the others were Confederate soldiers and did not require much instruction. The command of the company soon fell to me, as our Captain stated that on account of his wife's illness he could not remain. On orders from the Colonel, the battalion was ordered to deploy out from Magazine to Baronne Streets, along Common Street and to rally at the head of Poydras Street later, in case of firing being heard on the Levee. At 12 o'clock in the day a call was made for the citizens generally to assemble on Canal Street around Clay's monument, which at that time was at the corner of St. Charles and Canal Streets. Then Judge Marr, Dr. Beard and Dr. Bruns and other speakers told of the tyrannical government under the Radical Kellogg regime and called upon them to take up arms in resistance. But in fact only those who were then actually assembled at their respective headquarters were expected to take part.

The Radical forces known as the Metropolitan Brigade, were then assembled in the U. S. Custom House and the old courthouse next to the Cathedral and the St. Louis Hotel, then the State House of the Radical Government, under General James Longstreet, General Baldy and General Badger. They numbered about three thousand mostly negroes. They had reason to believe that our forces were small and were assembled on Common from Magazine to Baronne Street, a mere mob who responded to the public call, and they planned to advance along the river front from the Custom House—in that way out-flank us. General Ogden planned to march with his command out Poydras to the Levee front and proceed toward the ship lying at the foot of Conti Street with the consignment of rifles and munitions. Neither side up to that time knew the movements of the other.

At about two o'clock on that day, Monday, I was ordered to the corner of Poydras and Camp with my company. Shortly after we had reached the position on that corner, General Ogden came down from his station at Eagle Hall, corner Prytania and Felicity Streets. He had about three hundred men in file of fours and they marched out Poydras towards the river at a double quick step. They were

well armed with Springfield rifles and with a good supply of ammunition and moved with the swing of old soldiers. No orders having been received by me, the old rule in war times being, in the absence of orders, go where the firing is heaviest, I moved at a double quick time with my company as far as Tchoupitoulas Street and out towards Canal. In a few minutes the firing began, Coleman's battery fired from the foot of Poydras with a cannon which had been overhauled at Leed's foundry and General Badger fired his cannon from the foot of Canal, near the old Free Market Building, and then the "White Leaguers" under Rufus Pleasant moved out on the river front, among the freight lying there and fired up Canal, and two other companies under Behan and Lord, charged across the open space on the levee front, towards Badger's command, while my own company fired at the enemy drawn up facing Canal Street, on the lower end of the Custom House from Tchoupitoulas Street. At a point near where the Liberty Monument now stands General Badger fell, badly wounded, and many of his men were killed. The rest retreated—the enemy who ventured out of the Custom House on the river side also broke and ran into the building. Some firing was done from the windows of the Custom House. General Longstreet seeing that his negro troops would not stand fire retreated to the rear of the Custom House and was last seen galloping on his horse down town.

The Radical soldiery called the Metropolitan Police, numbering at first some three thousand men, organized into a brigade, who in about twenty minutes retired in haste, a part in the Custom House, another part in the St. Louis Hotel, then used as the State Capital, and the remainder in the Court House building, now used as a museum. The killed on our side numbered sixteen. Their names are carved in marble on the monument erected to their memory. General Fred N. Ogden, who was leading his men at the front had his horse shot and killed from under him, on the corner of Tchoupitoulas and Gravier Streets. He was slightly injured himself. His acting aide-de-camp, Capt. Geo. A. Williams, was with him at the time, and at once mounted him upon his own horse.

The following night we were at our respective posts, with guards and pickets out. My own men were quartered on the side-walk on Camp Street, near Gravier, three of them with A. A. Woods in charge as Corporal, and while on watch in the middle of Canal Street opposite Chartres Street, were fired upon at midnight by the enemy under Baldy. My company fell in quickly with their arms, and General Ogden ran up calling out the words, "Steady Men, Steady."

Nothing more followed after this except that one of my men captured and brought in a cab load of provisions going into the Custom House. During that night Lieut. C. L. Walker of Capt. Borland's company entered the enemy camp and convinced their leaders of the futility of keeping up the fight and there was but little resistance next morning. During that night we had a conference at General Ogden's headquarters at Kurcheedt and Bienvenu's office, and prepared a proclamation, issued on Tuesday morning, in the name of Lieut.-Gov. D. B. Penn. Early that day, we marched to Canal Street corner St. Charles, where the citizens brought out refreshments to us while waiting in line for orders.

We then took possession of the Court Building opposite Jackson Square. On entering the prison yard there I came upon a dead Radical soldier, who had just been killed. I appropriated his hat and sword, the latter I have yet—the rest of the enemy ran away. The building then was placed in my charge by General Ogden, the arms in the arsenal were delivered, during the night, to parties bringing orders.

For three days we held this position and the city at large. When, by orders of President Grant, U. S. soldiers took possession and ordered the "White Leaguers" to disband. This ended the revolt, until the 8th of January 1877 following, when the White Citizens under the same officers finally recaptured their government from the Radical Carpet Baggers' Rule, and have held it ever since, now forty-four years ago. Few are now living of those that participated in what, though a small affair, yet resulted in redeeming the entire South and causing the country and Congress to become democratic, for the first time after the war between the States. There were many interesting and important events thereafter, that want of time will not permit of being related. They all had their beginning from the 14th of September, 1874.



A NEW YORK YANKEE IN NEW ORLEANS
SEPTEMBER 14, 1874

Mr. John Dymond:-

My dear Sir: Since advising the house by early mail this P. M. the political excitement has taken shape and now bids fair to be the most serious outbreak we have had since the war. The so called White League has taken possession of the city this side of Canal street and they claim to have from 5 to 7000 armed men on duty. The city is fearfully excited, business houses all closed and nearly all the merchants on duty fully armed, Mr. Pitot among the number with my revolver. All the streets leading into Canal are barricaded and Kellogg's forces are in line on Chartres, Decatur and Peters streets. Kellogg himself is hid away in the post office. The only fighting so far has been on the levee from Gravier to Canal and it is currently reported that Gen. Badger is fatally wounded and it is known positively that J. B. Newman, Jr., is killed.

I presume you will get full particulars by the morning papers. It is a serious affair and unless they make a complete success of it by killing Kellogg and all the ring leaders I fear it will interrupt our business for sometime. There are but few United States troops here and the Leaguers apprehend no difficulty in cleaning out the Metropolitans. You can see that the affair has assumed some magnitude by the fact that such men as Pitot, Cottreaux, Benedict and hosts of others are in the line.

Pitot left with the remark that there was no telling when he would return and in case of accident he explained the Belair position and left some checks to my order. Rather a queer manner to spend a vacation.

I walked by your house last evening before receiving your letter and noticed nothing out of place. The grass was rather high, but the trees and shrubbery looked finely. The house was all closed up and Pitot says you will never get any money from her unless you realize on her collateral.

I really think that the offer I have submitted on the five best lots of coffee is a good one and I am confident it is the best that can be done. Sugars don't seem to show any margin, but I will watch closely and report daily. We will certainly pay expenses and more too, I think, unless this confounded boys play with guns interferes with business. I shall stir up every man from the Lakes to the Gulf where there is a ghost of a chance for an order.

Very respectfully yours,

JNO. J. COLVIN, Jr.

COL. J. D. HILL'S ADDRESS AT THE VICKSBURG MEMORIAL MONUMENT DEDICATION

At the recent dedication of the Louisiana State Memorial in the Vicksburg National Park, the orator of the day was Col. J. D. Hill of New Orleans, who gave a clear and simple epitome of the historical facts which convulsed the United States in the Civil War, and, by that revolution, in accordance with the American custom and precedent of majority rule, established the American construction of the "Constitution" to be "an Indestructible Union of Indestructible States."

In presenting the Louisiana State Memorial to the Federal Government, Colonel Hill said:

"We thank Thee, O Lord of Hosts, that Thou hast lengthened our days to see this Day of Consummation; in which are fulfilled the hopes and desires of thousands, now living, in our dear State of Louisiana, and of other thousands, who compass us about, as a great cloud of witnesses, unseen, but both bodies, together, rejoicing with us in our joy and celebration of this day.

"Notable day indeed, for we are here assembled to dedicate this memorial, a shaft of beauty, rising from this sacred soil, consecrated by the blood, which so freely baptized it, near three score years ago; and reared by a grateful people, through the action of its State Legislature and Governor, who voiced the will of the commonwealth, generously consenting to the use of the public fund, to do honor to the sons of Louisiana, living and dead, who had taken their part in the Vicksburg campaign of 1862 and 1863.

"What means then this memorial, this towering column, placed by the allotment of the United States commissioners of the Vicksburg National Military Park upon the most beautiful site within its borders, yet built to embody the proud declaration of a sovereign State, in this twentieth year of this twentieth century, that it gloried then, and still glories in the prowess and devotion of its sons of three score years ago!

"How comes it to pass, that an approval of this action, by the mighty union of States, can now complacently be given to the unveiling of a memorial, erected by a State to honor and commemorate its soldiers who became such, solely, to attempt to dis sever and dissolve this union!

"This event, as a fact, stands unparalleled in the history of any other country in the world.

"The theme is absorbing, but time forbids more than a glimpse at what has given to my mind some solace for the past, a solution for the present and a promise for the future.

"The war was inevitable, given the American character, and the susceptibility of the Constitution to a double interpretation.

"The growth of conviction in a peculiar interpretation, naturally follows public opinion, hence sectionalism in the pre-war interpretations, and antagonism, almost of historical necessity, when you consider the founding and building of the States, North and South.

"The thirteen States, of the revolution of '76, fringed the Atlantic. They were practically of North European descent, but, however, with sufficient difference, incident to their founding, to make them autonomous and anxious for individual independence, both, when drawn together in the confederation of 1777, and, in the establishment of the Constitution of 1789.

"A greater difference, in the founding of the other States, led to a more distinct cleavage from the Atlantic States, in their sense of separate independence and autonomy, as they were erected out of land acquired by the Louisiana purchase, by the Floridian treaty with Spain, by the annexation of Texas and by the cession of territory, by Mexico, of Western and Pacific regions, at the close of the Mexican war. So that, by 1860, the States of the Union had as citizens the descendents of every European state.

"A sense of separateness and individuality was therefore historically natural to the Gulf Southern States, and the Atlantic Southern States. Their increase of population was largely home-born, and they held to the traditions of their fathers, as to the individuality and autonomy of the Mother State, when, and after, she entered into the Union.

Public Opinion

"The natural trend of Public opinion therefore, in the Southern States, would be to accept that construction of the constitution which favored 'States' rights.'

"What was occurring in the States north of 'Mason and Dixon's Line,' to establish a natural trend of public opinion? And what construction of the constitution would it tend to make the north States accept?

"The North Atlantic States and the Great Northwest territory, which had been given to the United States by the State of

Virginia, but till then, sparsely populated, were being settled largely by immigration from Europe. Millions of foreigners entered the country by the year 1860, and a great preponderance of them made their homes in Northern States. What this meant in creating public opinion in favor of nationalism is incalculable, when you consider that every immigrant, who became a citizen received a naturalization paper setting forth solemnly and impressively, that he renounced 'all allegiance' 'to any foreign prince, potentate, State or sovereignty, whatsoever,' and thereupon he was admitted 'to be a citizen of the United States of America.' The importance of this fact is emphasized and you are more indelibly impressed by it, as those last eight words are printed in capital Gothic type. They stamp themselves upon the mind of the applicant, and equally upon the minds of the two witnesses, who must support his application.

"A further impulse of public opinion in the North towards this construction, came from the formation of the Whig Party, which came into existence, following the defeat of the bill to recharter the United States Bank. It adhered to the theory of consolidation, moved thereto by the tariff agitation.

The Union

"It advocated the protective policy which was threatened by the nullification program of South Carolina in 1832. The man above all others who inspired the theory with an immortal appeal was Andrew Jackson, the Father of Democracy, when he proclaimed his platform, in answer to the nullification Acts of South Carolina,—
'The Union must, and shall be preserved.'

"That the Union should be preserved, was the constant theme during these exciting days, of Daniel Webster, who devoted his life, his natural gifts and stately eloquence to maintaining that construction of the constitution, which opened to the people the growth of a mighty empire, and honor and power to its every citizen.

"But, was that construction, the interpretation given to the constitution by the thirteen States, which, by their ratification, established the United States in 1789?

"Hear what a Republican statesman and historian says, in considering the masterly efforts of Webster, both in weighing their influence upon public opinion, and declaring their effect upon the history of the country from his own day, and for all time.

So long as Mr. Webster confined himself to defending the constitution as it actually was and as what it had come to mean in

point of fact, he was invincible. Just in proportion as he left this ground and attempted to argue on historical premises that it was a fundamental law, he weakened his position, for the historical facts were against him,' 'In the actual present and in the steady course of development, the facts were wholly with Mr. Webster. Whatever the people of the United States understood the constitution to mean in 1789, there can be no question that a majority in 1833 regarded it as a fundamental law and not a compact. But it was quite another thing to argue that what the constitution had come to mean, was what it meant when it was adopted. The identity of meaning at these two periods was the proposition which Mr. Webster undertook to maintain, and he upheld it as well and as plausibly as the nature of the case admitted. His reasoning was close and vigorous; but he could not destroy the theory of the constitution as held by leaders and people in 1789, or reconcile the Virginia and Kentucky resolutions, or the Hartford convention, with the fundamental law doctrines. Nevertheless, it would be an error to suppose that because the facts of history were against Mr. Webster in these particulars, this able, ingenious, and elaborate argument was thrown away.' 'It reiterated the national,' as distinguished from the State rights principles, and furnished those whom the statement and demonstration of an existing fact could not satisfy, with an immense magazine of lucid reasoning and plausible and effective argument.' 'But in his final speech in this debate Mr. Webster came back to his original ground, and said in conclusion:

" 'Shall we have a general government? Shall we continue the union of States under a government instead of a league? This vital and all-important question the people will decide.' And when 'The vital question went to the Northern people, 'they cast aside all historical premises and deductions, all legal subtleties and refinements, and gave their verdict on the existing facts. The world knows what that verdict was, and will never forget that it was largely due to the splendid eloquence of Daniel Webster, when he defended the cause of nationality against the 'advocates of State rights.'

Held to Historical Facts

"The people of the Southern States persistently held to the historical facts of 1789, and the doctrine of reserved rights, therefore their construction of the constitution diametrically opposed that of the great majority in the Northern section, and as the leaders and the masses, on both sides were Americans, all the arbitrament of war was on by 1861.

"The constitution, like statute law, has no inherent force to determine and to execute its provisions. It becomes operative through the agency of the constituted authorities elected or appointed by and from, the people. So that, right or wrong, the final construction of the constitution had to conform to what the people, the masses believed.

"The war between the States was a revolution, the Union of States under the compact of 1789, ended with the surrender at Appomatox, April 9, 1865, dissolving the forces of States' rights supporters, and following the tragic interlude of reconstruction, the construction of the constitution, under which we live, today, in accordance with the principle to which I have just alluded, has consolidated the forty-eight commonwealths and the territories into 'an Indestructible Union of Indestructible States.'

Will Guard Memorial

"This exposition of the past is the solution of the present. It accounts for this family gathering of today. And it is no anomaly, in spite of the conditions of 1861 and 1865, that the United States should now complacently accept, and undertake to guard and preserve the war memorial of her daughter, the State of Louisiana, at the mouth of the Mississippi, with the same interest and solicitude as that given to the great mausoleum memorial of the State of Illinois, another daughter lying so near to the Mississippi's source, 'for We are all once more within our Father's House.'

"We have witnessed, within the last hour, the dedication of the 'Memorial Arch,' commemorating the 'National Reunion and Peace Jubilee,' held at Vicksburg, in October, 1917. Its openway greets and welcomes alike the wayfarer from every section of the United States.

"It towers in massive grandeur, one pier springing from the soil upon the North-side, and the other pier from the soil upon the South, but alluring symmetry and grace imbue the whole structure, only when they conjoin each other, and mingling in close embrace they unite their strength and show forth to the admiring vision, the Triumphal Arch. Fit emblem, in everlasting granite to typify, as well as to commemorate, that Reunion and Jubilee.

"That all these facts, to which I have alluded, hold a promise for the future, needs no argument in words.

"The challenge, 'What hath God Wrought?' in establishing this great American nation as a factor in determining the destiny of the world, has been answered, in no small part, by its achievements, since

April 6, 1917, in the greatest war of all times. Its existence has been justified, by its heroic deeds of 1917 and 1918, should it never again appear in the world's arena. But we know that no such mighty instrument, of advancement, civilization and exemplary appeal to mankind and the governments of the earth, can have been formed by the Hand of Providence, to fit so aptly into the need of that day, were it not to be used for other glorious and beneficial purposes 'in the Tides of Time.' "



CABILDO ARCHIVES

French Period

IV

By Henry P. Dart

We present in this number quite a feast, indeed for variety and general interest, these translations from our archives have the place of honor.

As usual Mrs. H. H. Cruzat has translated and is the author of the introduction to this fourth number.

Letters of Sieur Terrisse de Ternan by Heloise H. Cruzat

In this number of the Louisiana Historical Quarterly the Cabildo Archives reproduces eleven letters by Terrisse de Ternan, a French officer, trader and farmer (*habitant*), to Sieur Rossard, clerk of the Superior Council, who in the course of this correspondence lost a wife and took another to himself. The name of Ternan is extinct, the last of the name, Vincent de Ternan, having died without posterity in the early part of the nineteenth century at Pointe Coupee.

Lockart tells us that Sir Walter Scott's letters smell sweet; these letters smell of the times and should prove interesting to our readers for they preserve the local color of those days. Here we meet all classes of colonial life: M. Perier, the governor; M. de la Chaise, the stern judge, whose administration raised such resentment that even his friends shared his unpopularity; M. Le Merveilleux, Captain of Infantry, who headed the detachment in a pirogue, which was sent out to warn the inhabitants on both sides of the river after the Natchez massacre and to arouse them to action; M. Baron, who was sent from France to report on the situation of the colony. The name of M. de Beranger, the captain of "*La Baleine*" will recall a favorite ship-master, and also the ship which seems to have been most frequently employed to bring the colonists from France to Louisiana. Leonard, the laborer, who in these writings seems to have been a dilatory debtor and prone to insist on the strict letter of his rights when incurring obligation and slow to respond when the shoe was on the other foot; he was but a type of the times, everybody was doing the same thing, financial embarrassment being the rule in French Louisiana; it was easy to lend and hard to collect.

The Seigneur Ternan under the garb of the soldier and the colonist had the bon vivant's heart, he was stirred to regret by the mere thought of the "tinkle of the glasses" and of Darius pouring the wine.

They were stout men and hard drinkers in those days; he reports having drunk "a quarter of wine in five days." The wine had been set aside for an occasion and he is resolved not to touch it again, but he fears the temptation that King's day, Mardi Gras and Easter will bring. An ever present peril, the prowling and threatening savages, does not dull his love for pleasure nor his readiness to "celebrate."

With notifications of shipment of hams, onions or tobacco for commercial purposes, there always comes a generous gift to friends, to the Convent, etc. With instructions for trade he mingles assurances of constant friendship. In enumerating what is to be bought with proceeds of sale he sums up colonial needs: "brass caldrons, limburg (cloth), gunpowder, knives, ammunition and lead which 'are always in demand.'"

Then comes a touch of pathos. He has received information of the Natchez massacre and grieves for the untimely end of his fellow Frenchmen, among whom he had some personal friends. He says they are fortifying themselves against surprise or attack, but in the same breath he teases Rossard about the good luck which this sad slaughter will bring him as clerk of probates, for it would bring so much business to his court that he would have nothing to do but "make auctions," and he slyly suggests "what folks might suspect."

He announces M. Dutisne's death, the "inevitable event which none may escape," but freely forgives the decedent all his persecutions and underhand work against the writer since he is "really dead."

He intimates that the members of the Superior Council are prejudiced against him, saying that they are not taking his products, but he "has a brave heart and without weakness will endure it all." Perhaps his consolation came not so much from the heart as from the head heated with the good wine he loved so well, for he says he is making his vintage.

The correspondence closes with a letter carrying congratulations on Rossard's second marriage and information of the visit of the Chickassaw ambassadors whom they "have sent below to bind the rascals whom the English are stirring up against them."

The sincerity and originality of the words and the touches of the life and character in the period of these letters is our excuse for the

labor we have put on them, and we think our readers will finish their perusal with similar thoughts.

Translation:

At New Orleans, May 21, 1727.

May 21, 1727.

Sir:

I received, with pleasure, the letter you honored me with by the detachment which brought us the sorrowful news of the death of Mr. de Melique and of several Frenchmen who were with him. We must hope that this blow will arouse the nation and that Messrs de Beauharnais on the Canada side and Mr. Perrier here will unite their forces to endeavor, if possible, to appease the fury of that nation.

One does not conceive why they do not strike on the other side and throw themselves on this side with so much ardor; there must exist some reason unknown to us, besides, we must endeavor to secure ourselves against them by a better watch than is said to have been made. This is what I shall not fail to do whilst going higher up, since this affair has changed my destination from the 'Alibamous' to the Illinois. I was to have left for Mobile for this purpose a few days prior to this news and I had even prepared for it. In truth, I had the choice of two posts, in which choice I did not hesitate for all sorts of reasons, which will afford me the pleasure of seeing you and of replacing the loss of such a friend as Mr. Pradel,—another self. He has just embarked for France with your brother in the ship "*La Baleine*," commanded by Mr. Beranger; we drank to your health and they strongly recommended that I repeat it with you when we meet, which I shall not fail to do. I have begun, from this moment, to make my small provisions, according to my modest means, my two years of sojourn in this capitol having greatly disturbed my cash, which fact will prevent my carrying out my intentions of going to your quarters well provided. However, the little we may dispose of will give us as much pleasure as if it were a great quantity.

I anticipate a great feast and delight in the expected pleasure of embracing M. Deliette and his wife. I hope he will not be displeased at my having the honor of being with him instead of M. de Vilainville, who could not come up without hurting his business. He told me before he left how pleased he would have been to have me go with him. These kind feelings from him induced me to go to him personally to express my deep gratitude and the hope that he

would be satisfied as well as all the honest folks whose friendship I would claim for all sorts of reasons.

Mr. Pradel offered me his house as a lodging and at the same time to see to his small affairs,—though they have always been in good hands since his departure. He intends to return as soon as he has recovered his health, and will even go up to Illinois to sell what he may have there, expecting the honor and the pleasure of embracing you at the close of this year at latest.

I beg you to believe in my high esteem and regard. My respects to your wife and all your dear family, whilst anticipating the pleasure and honor of embracing them I beg you to remit this letter to Francoise, sir,

Your very humble and very obedient servant.

Signed: "Terrisse de Ternan."

Notes on names mentioned in this letter:

PRADEL—One of the founders of Fort Orleans on the Missouri in 1714; was commissioned captain in 1720. "His house faced the Place d'Armes and the river."

DE BEAUHARNAIS—A distinguished Canadian officer who fought in the Natchez campaign and immediately afterwards returned to Canada, and for a time Comdr. Gen. of Canada.

DELIETTE—(des Liettes)—One of the early colonists, received his commission as captain in 1720.

TERISSE DE TERNAN—Was an ensign in 1714; he incurred Cadillac's displeasure for a duel fought for "Manon Lescaut." (Manone Porcher or Froget.)

ROSSARD—Chief Clerk of the Superior Council.

Addressed: "To Mr. Rossard, Chief Clerk of the Council of the Province, at New Orleans, La.

(Papers concerning Terisse de Ternan.)

Translation:

At Fort de Chartres, (I) November 20, 1728.
Nov. 20, 1728.

Sir and Friend:

This is only to assure you of my lasting esteem and deep gratitude, with the sole regret of not being able to see, in person, through the key hole, before entering, without any wish to listen, the figure you cut around this table with your Reverend Fathers. The order and discipline, which are there so well regulated, often recall it to my mind, and memory lays hold of my heart stirring it to regret, and since I am deprived of this happiness, give me at least a small share in your remembrance at the silvery tinkle of the glasses rinsed by Darius, who speaks so well, so correctly, and who pours the drink still better.

To what I send to these gentlemen by Mr. Scavion, I add six bushels of onions for you, Sir, requesting Mr. de la Chaise to have

them delivered to you. I would have wished to add to this a few good hams, but there are none made yet, at least by those who furnish them to me. I have in mind to send you some by the pirogue that I intend to send down this winter,—about thirty, from which you will choose any number of the best for the needs of the Convent, and I shall ask you, if it be not inconvenient, to have the remainder sold by your neighbor, Mrs. Penigaud, and paid for in money or by notes, from which you will please me by sending me a few necessities for a small trade. I shall send you, at the same time, the memorandum of what I send to Mr. de la Chaise that you may take from him what you please for yourself. I hope you will forgive my boldness, but I am so favorably impressed by your kindness of heart that I do not believe I am abusing it. I hope that in the future you will give me some commissions, in this neighborhood, which may prove agreeable to you, that I may be sufficiently happy to be able to assure of the esteem and the attachment with which I am.

I beg to have the accompanying letter remitted to Mr. Pradel if he is not lower down.

Sir and Friend:

My respects to your wife who must have arrived or never will, and to Messrs. Renault and many to whom I wish perfect health, not forgetting Mr. Droy.

Your very humble and very obedient servant,

Signed: *Terrisse de Ternan.*

NOTES:—De la Chaise came to Louisiana in 1722 as auditor for the accounts of the Company of the Indies. He encountered much opposition and even his friends were enveloped in the persecutions which could not reach him; he succeeded Duvergier as Intendant of the Province, signed the Black Code in 1724 as Honorary Councillor, and made a ruling against Indian wives of French colonists inheriting from their husbands as the French women did; de la Chaise died in 1730.

MRS. PENIGAUD—Probably the widow of Louisiana's first chronicler, Jean Penicaud, the carpenter, who returned to France in 1721 to have his eyes treated, "he had left a wife and slaves there (La.), and as owner of a concession near Natchez, describes himself as Sieur." (Hamilton's Colonial Mobile, P. 103). There was another carpenter by the name of André Penegault in Louisiana in 1708.

RENAULT d'HAUTERIVE—Came to Louisiana from France in 1720; he was born a captain and knight of St. Louis.

ROSSARD—Police Inspector and Chief Clerk of the Superior Council. It was at one of Rossard's suppers that his guests drank a "cask of good wine."

Addressed: To Monsieur: Monsieur Rossard, chief clerk of the Superior Council of this province.

At New Orleans.

1 Minot, 3 bushels.

Translation:

March 15, 1729.

Sir and Friend:

With pleasure, I profit of the occasion of the *pirogue* I am sending for those gentlemen with some victualing provisions to their account,

and, at the same time, to assure you of my lasting and deep gratitude and my compliments, as well as to your wife, who, no doubt, has arrived safely since the time you have been expecting her, and to whom, to my regret, I have not been able to send the walnut wood, you had asked me for, to make a commode. No one saws at present, each individual being busy sowing; if hereafter I can find any I shall not fail to send it to you. I have long pressed one Leonard who owes you to pay, and I have just now demanded payment, but he answered that he was not able to so, that the sickness he had, precluded his sending anything; he, however, promised that this autumn he would wind up this affair. I threatened him with the law if he did not give us satisfaction. One must acknowledge that he is a queer fellow who does not seem very anxious to pay his debt, I shall however endeavor to extort from him what I can. I rely on your having been paid in castor pelts for the note you held against me, I continue to act with you as a friend. By this occasion I send you twenty-five hams, of which Mr. Duval is to take six, and you, Sir, what you think proper; besides if your convent, if your brothers are in need you must dispose of them as it may please you. I hope soon to send a pirogue loaded with okra (favines) for my account, that is when I have help which is rare here now. At the same time, I shall beg you not to deprive yourself of them, though I think they will not be rare this year in New Orleans, the crops having been abundant in this country that only hopes for negroes and a quiet peace with our enemies whom we are expecting from day to day. If you wish for provisions, address Mr. Boineau, who is going down, because, in all things his load is the best for quality.

We are hoping for the arrival of a convoy, as we are in need of everything, and though it is still cold, we cannot help being thirsty, before a great fire, where we feast on most exquisite dishes and liquors. Since six months we have forgotten their taste. Entrust me with your small commissions in this neighborhood, I pray you and rest assured, that none are more eager than I to prove with how much sincerity and gratitude,

I have the honor to be,
Sir and Friend.

I entreat you to present my compliments to Mr. Renaut and to many to whom I wish good health and a continuance of pleasures.

Your very humble and very obedient servant,

Terisse de Ternan.

At Cascaskias, March 15, 1729.

Translation:

To Mr. Rossard.

Oct. 13, 1729.

Sir and very dear Friend:

I received with pleasure your long and agreeable letter of the 15th of last June, in which you detail the news of your capital, which consists mostly of murders, assassinations and marriages which caused such tragic bloodshed in your streets. I expect that it must now be somewhat calm, considering that these sorts of virginities must be settled and have taken the ordinary course of nature. It appears that your convent has been put to rout, since, notwithstanding the vows made by your brothers, one of them has married, without public scandal however, and to whom I wish much contentment, which he has every reason to expect, having married a very virtuous lady. You should induce our friend Massy to make a finish, as it is dangerous for so gallant a man to remain so long in celibacy.

You have so often asked for onions that I have at last been able to send you this pirogue in which you will find very fine ones, which you may eat in every way, without economizing them. Therefore, Sir and Friend, I pray you not to deprive yourself. In Mr. Renault's share put one hundred, which I am pleased to offer him. I wrote to Messrs. Perrier and de la Chaise that if they wished to make their provisions, you would kindly see that what they wish be delivered to them; you will please me by having the surplus sold for trade merchandise or linens, if there are any. If there are some you will fix the price with regard to their scarcity and quality; if you sell them by the bolt, some will be found to be worth three times as much from their bulk. This provision has in this neighborhood, and never before have we seen as fine; it all comes from my garden and my labor; you may thus perceive that I am striving to place myself in condition to go to see you and to drink with you when it will please those gentlemen.

I received the copy of Mr. Pellerin's receipt for which I thank you, as well as for having induced the gentlemen of the Council to take my okra. It was wrong to insert in the receipt that it was towards the account I owe the ancient administration; I settled my account since and if I owe it is only to the new one.

Try, I pray you, to send what you can to my account by the first occasion, in what you may be able to get from the stores or elsewhere; I shall receive with pleasure, what you choose to send me to your account. The green serge of which you speak is of ready sale

here and I will try to get the most possible from it according to the price you will fix; send it anyhow.

The decree sent here against the Jesuits created a great stir. They say that it will be denied and that they have their powers from the Pope, they threaten me because they say it is I who wrote, and do not doubt that they will use their best efforts to have me recalled, having striven for that purpose since two years, but come what may, I shall always give warning of what seems to me against the people's rights and the interests of the Company, which charge I assumed with pleasure.

I do not send any onions to Mr. Pradel as he must have a good provision of them. I think he will be jealous because I do not send him this shipment, but cannot do otherwise as he is not permanently at New Orleans, and besides, because I am not anxious to do business with him, though he be my friend. On his arrival from France he wrote me a letter full of the finest promises in the world, and said he would send me sweet meats by the first opportunity, which I did not ask of him, nevertheless since that time he has spoken to me only of doing the best with his affairs here, and he sent Madame Chanin a *demijohn* of Frontignan wine without showing me the least civility; it was needless in this case to make offers which I had not begged for. He is your neighbor, I have been told, and Chanin also. I do not know how he will succeed in his affairs. Be kind enough to tell me in what condition his accounts are. He wrote here that I was to be relieved, still, none of my friends, nor Mr. de la Chaise have spoken to me about it. He wrote me a very dry letter, which I have not deigned to answer, accusing me of having written to the gentlemen of the Council against him. He is much mistaken, for I have spared him as far as I could, though he does not deserve it, on account of certain little haughty ways which I had to call down for the sake of form.

Mr. Dutisne is still unwell though he acts and moves about as usual. He sold your lead very well, because this year they did not go to the mine and it was scarce. Gather trade merchandise from the stores when you can; they will sell to advantage, especially knives of all kinds, brass kettles, yellow limburg, vermilion, powder, lead, etc.

You mention having green "sempiterne"; send it to me and I shall try to sell it at a good price; at times it sells very well. Brandy has not been in vogue this year for peltries; they sell it for flour, ham or lard, and on credit, of which it is very difficult to obtain payment. I tried to sell some in exchange for beaver skins at 10c. cash, which they would not take, any more than that which came for deceased

M. Deliette, and which was remitted to his heirs, to be sold at its profit. On mine, there still remained, as I told. you, 14 pots and one pint of the anchor which leaked in Mr. Dustine's boat and which I sold as a whole for 150-lb. of beaver skins with much difficulty. There are still 40 hams in good condition, due to the other, which I have not yet received because they have not been made. You mention that both should have contained 45 pots, I can assure you that even had they been full they would hardly have contained 40; There are too many risks in sending this merchandise to send it so far unless it be in strong casks, and trusted to reliable persons, otherwise it never reaches its destination without fraud. Last year I received from Pascal, for those gentlemen, a quarter which was half water. If you can find stockings of all kinds send them, for they are scarce here, as well as women's shoes, ribbons, muslins, and other trifles, on which there is more to gain than on large bolts. In all this, the only difficulty is to find favorable occasions and trustworthy persons to send them by. Mr. Girardot is coming up here this Spring and will be able to take charge of something for you, having promised me to do so with pleasure. If there be any difficulty about it ask M. de la Chaise to ship it as belonging to the Company, of which you will inform me separately.

I send you by this pirogue 150 bushels of onions with two packs of beaver skins, both together weighing 140 L. amounting to 150-lbs.; there will remain 81-lbs. for my individual account, which I pray you to use as you may. Send me, if you can, a jar of about 15-lbs. of sugar. If by chance you should find a pair of billiard balls for sale you would please me by sending them to me.

They are for a persons who asked me to have them sent as he has no acquaintances lower down.

Kindly have the pirogue returned to the Company with the oars and take from it six bear skins which served as covering and a small kettle, in bad condition and a liquor chest; Bourguignon must also be paid 30-lbs. in merchandise which I agreed to, and a shirt to an Indian from Biloxy, besides what he received here,—that is, if you are satisfied with the delivery. A soldier, named Concombre, took charge of this boat. I do not know if he will render you a good account.

One Leonard who has long owed you, has just remitted to me 200-lbs. of okra (favine) with much trouble, and besides I had to furnish him a new linen bay which I beg you to return to me with

(Cne anchor holds forty pints of Paris, or five U. S. gallons.)

others; I shall try, by dunning him, to make him pay. He promised to finish paying this debt at Christmas. I take his okra at 15ll the %, which is the price here.

Believe me to be, with all possible esteem and affection,
Sir and dear Friend,

Your very humble and very obedient servant,
At Cascaskias, Oct. 13, 1729.

Translation:

Nov. 20, 1729.

Sir and dear Friend:

If I allowed this pirogue to leave without having the pleasure of writing to you I think I would give you reason to think that I have forgotten the reciprocal friendship which exists between us, in which I would claim the larger share, being deeply indebted to you for favors which have left me only the desire of the deepest gratitude.

Pray do not worry if I do not send your hams, they are still in pasture and from one day to the other will be put in the salt tub; besides, even if I had them, I could not send them at this time as all those who go down are loaded for their own account, and sometimes are obliged to leave over some of their goods. I am even much embarrassed to know how to send them, with a greater number due to me. I think I shall have to associate with some other in the costs of a conveyance, of pirogues as well as of those hired to take them, and other things I may have between now and then. If by chance a boat from the Company should come to us, I might be able to have them charged as freight to your account and mine.

Some persons have asked me for green "*sempiterne*." As you wrote me that you intended to send me some, I told them that only the price had not been fixed, therefore follow your first intention on this. I already mentioned that I had made a cask and a quarter of wine of this country with the firm resolution that I would not open it until next Spring, but having continually under foot that same "wine" in a cellar into which I often descend to see that no accident happens, I yielded for the quarter only on St. Martin's day though it is still very tart, but the cask will rest against all temptation until Easter. I only fear King's day and Saint Mardi Gras, I intend at that time to absent myself so that I may not break my word. I shall tell you in the course of time how I have behaved myself on this subject

Sempiterne—twilled cloth

that you may do me justice. If possible, pray think of sugar, coffee and other trifles which may amuse one in an austere place.

I am ever, with all my heart and with all possible sincerity,

Sir and dear Friend,

Your very humble and very obedient servant,

Terisse de Ternan.

Thinking of it, the quarter lasted five days, that you may not think it was drunk in one.

Translation:

To M. Rossard.

April 14, 1730.

Sir and Friend:

The pirogue which Messrs. Perrier and de la Chaise fitted up to come up here to warn us of the massacre of the French established at the Natchez and at the Yazoux, as well as on the river, happily found us yet living, this tragic conspiracy not having broken out this far, though the Illinois had been invited to join it last summer by the Chickasaws, who came here for that purpose, and of which we had not the least hint from our settlers, until the arrival of Messrs. Girardot and Coulange, which leads us to think that they had bad intentions, with no certainty that they still resist them. However, we are at present fortifying ourselves and keeping in such condition as to avoid a surprise by the barbarians whom we can not and must not trust, being exposed to be slaughtered if we are not on our guard.

I was surprised to have received no news from you, Sir and Friend, though Mr. Coulange assured me that you were in perfect health, gay and sprightly, that our onions had fortunately arrived safely before the massacre of the Natchez, at which place they passed.

I send you by Coulange thirty-six hams, in good condition, from which you must choose the best for your use and the service, and the remainder to be sold, as usual, for merchandise, as well as you can;—I leave it to you. I have been told that some English crockery has arrived at the store; I trust that you did not fail to buy me some if possible, in which case, ask Mr. de la Chaise to send it, with what he pleases, by the Company's boat which is to come up here, and this, only in case I am not to be recalled soon. Several persons here told me to expect it but they do not mention it in any of their letters. Favor me with news of yourself and continue to persuade me that you still wish to be one of my friends and sympathize with me in my

sad situation, being in a distant country, beyond all help, and since long deprived of the pleasure of seeing you and of conferring with you on the affairs of the times, which seem to be in bad condition. owing to all the barbarious wars. You are very happy to have no other care than that of making auctions, and if we did not know you for an honest man, and one of the most humane of this colony, we might have reason to think or suspect that you have been able to enter into some negotiation with the savages to overwhelm us and all have your share of the booty.

They said here that Mr. Delorme was coming to replace Mr. de la Chaise; pray inform me of the truth of it, as well as of anything else it may please you to impart, and give news of your capital.

Believe me, as ever, with all possible esteem and consideration.

Sir and Friend,

Kindly remit the accompanying letter to its address for cause.

Your very humble and obedient servant,

Terisse de Ternan.

Fort Chartres, April 14, 1730.

Translation:

May 23, 1730.

Sir and Friend:

I profit of this occasion to inform you of Mr. Dutisne's death, on the 15th of this month, in this post, who, by this grievous accident, inevitable to all men, ended his never ceasing anxieties of mind. He is really dead, therefore it is useless to enter into details of his persecutions of me, which I forgive with a good heart, though he strove with all his strength to ruin me in Mr. Perrier's mind, with the purpose of causing me to be recalled from here, through revenge, but not in the same manner as he was recalled from Nachitoches, many years ago, for insulting every one at that time. They discovered an affair after his death which will hurt his memory—he levied a contribution on a "voyageur" to carry away his peltries to Canada, against the orders published by the Council. It was on this occasion that he threatened so much to have me dismissed from here, in order to conceal his malversations from me. But as I have no other aim than to serve with honor, without seeking personal interests, I hope that these gentlemen will do me justice, with the aid of my friends who do me the honor of knowing the basis of my character, which they have sought to defame to Mr. Perrier, who may get over his prejudices.

They took an inventory of what the deceased owned and the clerk of the Council secured his rights by virtue of the decree rendered against the missionaries last year on the occasion of Mr. Deliette's death. The will he made whilst dying pretends to dispossess his wife of all pretensions to his succession, but as this affair appeared somewhat delicate to decide the Council will be kind enough to decide it. I am very much threatened to be relieved; if it is so, I shall have the pleasure of going to assure you of the sincerity and esteem with which I remain,

Sir and Friend,

Your very humble and very obedient servant,

Terisse de Ternan.

Fort Chartres, May 23, 1730.

Translation:

Sir and dear Friend:

I shall make no reproaches for not receiving news from you on all occasions, attributing it only to the continual perplexity of the affairs you have in hand in your capital where all, in general have recourse to you; all that I may say on this subject is that, considering you as one of my best friends, I receive news from you with much pleasure, to hear of your health in which I take great interest.

With regard to our small individual affairs, I leave their care to your leisure. You must have received thirty-six hams remitted to M. Coulange for you. As I intend to go down in a few days, and that you will know it sooner than I will, I beg you in that event not to send anything as I may be on my way when it arrives, you will, act on my situation and the sentiments of those gentlemen towards me. They show me much animosity in treating me otherwise than I deserve, on account of complaints from Dutisne and Mr. Girardot, both dead since this Spring. They found Mr. Perrier somewhat indisposed against me and they and that commandant did not fail to profit by the occasion to make me feel it. I also attribute this vengeance of authority to the crime of original sin committed in having been the friend of deceased Mr. de la Chaise. Interdictions, revocations, &c., everything is there, and I see many others who had the same fate. De la Chaise has changed in esteem. I consider all this without astonishment nor surprise, with all possible tranquility because I possess proofs and writs to produce at the time and place. Remain, dear Sir and Friend, ever the same as you have been. Hoping to be able to see you soon and to empty a few bottles together, on condition, however, that the free entrance to your home, which

you are so kind as to offer me bring you no distrust which may be prejudicial to you; we would not be less friendly for all these inconveniences. The affair between the Baron and Mr. le Merveilleux, was told here in many ways. There appears to be much animosity against that officer, that does not surprise me since all those who committed original sin were therein comprised. I have good reasons to be dissatisfied beyond measure, but with a good heart, without weakness, determined to bear everything, and am at present gathering the grapes whilst awaiting the pleasure to go to see you. I forever, as I ask of the Council. I remain as ever, with all my heart and with true esteem and sincere friendship,

Sir and dear Friend,

Your very humble and very obedient servant,

Terisse de Ternan.

Fort Chartres, Sept. 30, 1730.

202	866
101	11
150	b10
87	110
60	
<hr/>	27 ⁴ 6b
599	
1	
<hr/>	
600	

Translation:

Sir and Friend:

I had from Mr. Dutisne messages of your remembrance which you expressed at his departure, without letters, because, said he, you were awaiting me below. You must know if you have cared to get information, I there await, near at hand, the orders they will give me, and in that case I shall have the pleasure of seeing you, persuaded that you will always receive me as a friend, on which I rely, whatsoever events may chance to happen to my person, &c.

I send boldly, without fear of burdening you, 11 good hams, on which you will have the Convent's quota gratis though you are not in need of them but accept and receive in good spirit, all that I have; there are also three cases of tobacco in good condition that I pray to have sold for me by retail or wholesale merchants in the city. There are 671-lbs. weight in carrots and a little in rolls; choose some, for it

is very good and well made; help me, my dear Sir and Friend, and believe in my sincere esteem and personal my dear Friend,

Your very humble and obedient servant,

Terisse de Ternan.

Cascaskias, March 4, 1731.

On the opposite page: "Only C11-lb. found, the cases being in very bad condition.

Translation:

June 10, 1731.

Sir and dear Friend:

I cannot believe that your neglecting to give me proofs of the continuance of our friendship comes from anything else than the multiplicity of affairs which always come to you on the departure of the convoys for Illinois. If I was not so certain of your friendliness I would have been discouraged, but, even if I risked to become troublesome to you, I shall continue. It is true that I received friendly messages from you and tokens of former regard shown me by your wife before she had me imprisoned, which I have never believed to be done by her personally, and which has never lessened my esteem and regard for her merit.

I acknowledge frankly, Sir and dear Friend, that I was charmed at your union with this amiable lady, I wish you both much prosperity, during many years, to make amends for so long a widowhood. I compliment her and hope that under your protection I shall have a share in her esteem. You, as well as your wife, will be surprised to hear of Mr. Dutisne's marriage to Mr. Girardot's widow, which was done secretly by the reverend Jesuit Fathers, without having asked for counsel nor taken advice from any one, the Commandant not having consented to give his permission, though they did without it. Had I had any knowledge of this affair, I confess that I would have dissuaded him for many reasons, and also on account of the disproportion between their ages and circumstances. This was not correctly done, and moreover they are strongly against it. I regret it, though he has tried, by his discourses, as a survival of his deceased father, to satisfy his resentment against me.

The success of our armies throughout the Colony has revived hope in an alarmed people, who has been very badly treated these late years. It is to be hoped that things will take a favorable course for its restoration.

Whilst awaiting the honor of seeing you, I remain with sincere esteem and inviolable attachment to you as well as to your wife—peace—peace,

Sir and dear Friend,

Your very humble and very obedient servant,
Fort Chartres, June 10, 1731. *Terisse de Ternan.*

Translation:

Sir and dear Friend:

With much pleasure I received your long and agreeable letter from M. de St. Ange, who informs me that you and your wife are in good health. I know not how to express my joy at the contentment and satisfaction you find in your marriage; I wish you both many years of happiness and satisfaction. I thank you for the pains you kindly take for my little affairs below. If I can return the same here I shall willingly and eagerly do so as a proof of my deep gratitude; this comes from my heart without any pretense.

It would seem that the gentlemen of the Council are not over anxious to please me, since they made so much difficulty before taking my okra at such a low price. If they knew of the trouble I put myself to for them they would act otherwise. I have long requested a leave of absence to go down the river but have had no answer. The General wrote to me lately, a little more leniently, I hope that it will last,—I follow your advice on this.

I must tell you that we are in great commotion here, on the occasion of the Chickasaw ambassadors whom we are sending below to bind those rascals who are always working against us, gaining natives over to the English. I hope that they will allow me to go down this spring. If it be so, I shall have the pleasure of seeing you; you will know of it and thereon regulate what you may send me for my account. Tobacco has not been extra fine as they told me here; the hams were very good and in good condition; they must have been changed on board the boat—what is there to do?

From what I heard, M. Dutisne must have arrived safely; if it is so, I am very glad, for every one feared for him. His wife has had a miscarriage during his absence, it is said,—of which I know nothing but from hearsay, being six hours from here.

I have the honor to present my respects to you as well as to your wife, being with all possible esteem and consideration.

Sir and dear Friend,

Your very humble and very obedient servant,
Fort Chartres, Sept. 10, 1731. *Terisse de Ternan.*

M. Rossard in account with M. Therisse de Ternan.

<i>Beaver:</i>	<i>Debit</i>		
Received from de Beaufort remainder of Beaver....	192	"	"
Received in hams for V. 110 lbs. at B4c. Lal.....	188	5	6
Received hams from M. Girardot amt. of.....	40	"	"
<i>Hams:</i>			
Received from M. deLatour 116 hams at 8#.....	928	"	"
Received from add post previously 25 hams 10#....	250	"	"
Received from M. de Coulange 36 hams at 8#.....	288	"	"
<i>Onions:</i>			
Of those he sent remitted $\frac{1}{4}$ to M. Perrier; $\frac{1}{4}$ to M. de la Chaise; $\frac{2}{4}$ to M. Massy, which he is to have appraised by M. Therisse.....	660		
<i>Tobacco:</i>			
In what was sent 219-lbs. $\frac{3}{4}$ amounting to.....	429	12	6
	<hr/> 2375 #18		
For 14 pots of brandy remaining of an anchor which leaked in Illinois for M. Therisse.....	150	"	"
Paid for $\frac{1}{2}$ of M. Therisse to one Francois money....	30	"	"
One shirt to an Indian.....	4	"	"
Gave M. Duval 6 hams, took 6 for myself, according to M. Therisse's letter from 25 at 10# a piece.....	120	"	"
Thirty-six hams from 50 sent to Mobile which were thrown into the river as rotten at 8#.....	288	"	"
Paid note for Sr. Therisse amounting to.....	70	6	8
Paid him on his arrival 15 crowns of six livres.....	90		
One month's rent of house he occupies.....	10	"	"
	<hr/> 762 6 8		
To payment of present bill.....	1613	11	4
	<hr/> 2375 18 ?		
Amount over.....	1613	11	4
To brion linen 24 ells and three-fourths at 2#5c. the ell	55	13	6
To the same common thirty-four ells and three- fourths at 2# the ell.....	69	10	"
For a buffet.....	18		
	<hr/> 143 3 9		
To date.....	1470	7	7

On margin current to date..... 735# 39s

To deduct ten livres of rent for this month. 10#

725# 39s

Letters of Terrisse de Ternan

Original Text:

A La Nouvelle orLeans ce 21 May 1727.

21 may 1727

Monsieur:

Jay recu avec plaisir la Lettre que vous m'avez fait l'honneur de M'ecrire par le detachement qui nous a apporte la facheuse nouvelle de la mort de Mr. de Melique et de plusieurs francois qui etaient avec luy nous devons esperer que ce Coups reveillera les sens de la nation et que Ms de Beauharnois du coté de Canada et Mr. Perrier de Celuy cy joindront leurs forces pour tacher S'il est possible d'Eteindre les fureurs de cette nation, on ne sais que penser de ce que ils ne frappent point de l'autre cote et qu'ils se jettent des vostres avec tant d'ardeur, il faut quil y aye quelque raison qui ne nous est pas connu, au reste il faut tacher de S'en garentir en faissant meilleur quart qu'on pretend qu'ils ont fait, S'est a quoy je ne manqueray point en montant puisque cette affaire a fait Changer ma destination des Alibamous aux Illinois, je devois partir pour me rendre a la Mobile pour cet Effet quelques jours avant cette nouvelle et je m'etois même arrangé pour cela, a la Verité que jay eu le Choix des deux postes dans lequel je n'ay pas balancé par toutes sortes d'endroits qui me procureront le plaisir de vous y voir et de remplacer dans la perte d'un amy comme Mr. Pradel un autre Luy même. il vient de s'embarquer pour france avec votre frere dans le Vau la la Baleine commandé par Mr. Beranger. Nous avons bu a votre santé avant leur depart et ils m'ont bien recommandé de reiterer avec vous lors de notre jonction a quoy je compte ne pas manquer je commence des a present a faire mes petites provisions Suivant mes moyens mediocres, deux années de sejour dans cette Capitale ont beaucoup dérangé les fonds de ma Caisse ce qui m'empechera de suivre les bonnes intentions que jay d'aller bien muny dans vos Cantons, quoy quil en soit le peu que nous pourrons disposer nous fera autant de plaisir que Si il y en avait en quantite.

Je me fais une grande feste et me repais d'une joye a venir d'Embrasser Monsieur DeLiette et Madame son Epouse jespère qu'il ne

sera pas fâché que jaye l'honneur d'Etre auprès de Luy au defaut de Mr. de Vilainville qui n'a pu monter Sans deranger ses affaires. Il m'auroit témoigné avant Son depart quil auroit été bien aise que jeus monté avec luy ces bons sentimens de sa part mont determine sans differer a luy en aller moi même marquer mon étroite reconnaissance et jespere quil aura tout Lieu d' En etre Content ainsy que tous les honnetes gens de vos Cantons desquels Je rechercheray avec plaisir leur amitié pour toutes sortes d'Endroits.

Mr. Pradel ma offert sa maison pour loger et a même temps pour avoir soin de ses petites affaires—quoy quelles ayent toujours été en bonnes mains depuis son Depart, il Compte Revenir aussitot quil aura retably sa santé et même monter aux Illinois pour seulement vendre ce quil peut y avoir, en attendant l'honneur et le plaisir de vous Embrasser dans la fin de cette année au plus tard.

Je vous prie de me Croire avec toute l'Estime et la Consideration possible—

Je salue Madame votre Epouse et toute votre Chere famille en attendant que je puisse avoir le plaisir et l'honneur de les Embrasser, je vous prie de remettre cette lettre a françoise.

Monsieur,

Votre tres humble et tres Obeissant Serviteur,

Terisse de Ternan.

A Monsieur Rossard Greffier, En Chef du Conseil de la Province.

A la Nlle Orléans.

"Pieces concernant Monsieur de Therisse de Ternan."

Original Text.

Au fort de Chartres ce 20 novembre 1728.

20 Nbre 1728.

Monsieur Et Amy:

Celle icy n'est que pour vous assurer de la continuation de mes Estimes et Etroites reconnaissances avec le seul Regret de ne pouvoir moy même en personne voir par le trou de la serrure avant que d'Entrer Sans avoir Envie d'Ecouter la figure vous faites autour de cette table avec Vos Reverends Pères, l'ordre et la discipline qui y en est si bien Reglée m'en rappelle Souvent les idées et le Souvenir me saisit le Coeur de Regret, et puisque je suis prive de ce bonheur, du moins un peu de part dans votre Souvenir aux Sons Argentins de ses verres Rincez par les mains de Darius qui parle si bien, si correctement et qui verse encore mieux a boire.

Je joints Sous Lenvoy que je fais a ses Messieurs par Scavion, deux *minots** d'Oignons pour vous Monsieur en priant Mr. de la Chaise de vous les faire remettre, Jaurois bien voulu y ajouter quelques bons jambons mais il ny en a pas encore de faits du moins chez ceux qui m'en donnent, Je me propose de vous en adresser par la pirogue que je compte faire descendre cet hyver une trentaine sur lesquels vous chaisirez les meilleurs an nombre que vous souhaiterez pour les besoins du Couvent et le reste que je vous prieray de de vouloir bien Sans que cela vous incomode me faire vendre par votre voisine Madame Penigaud en argent ou billets pour ensuite me faire le plaisir de m'envoyer quelques petits besoins dont je pourray faire quelque petit Commerce, Je vous enverray en ce temps le memoire de ce quil vous plaira demander a Mr. de la Chaise sous votre nom, j'espere que vous me pardonneriez bien cette hardinesse, mais je suis si prevenu de vôtre bon coeur que je ne crois pas en abuser, Je souhaite dans la suite que vous me Chargiez de quelques commissions en ces quartiers qui puissent vous estre agreables pour que je sois assez heureux de pouvoir vous assurer avec Combine d'Estime et d'attachement je suis.

Je vous prie de faire tenir cette Lettre cy jointe de Mr. Pradel, si il nest pas en bas.

Monsieur Et Amy

Je salue Madame votre Epouse qui doit arrivée ou jamais et Mrs. Renaut et Many auxquels je Souhaite une parfaite Sante, Sans oublier Mr. Droy.

Votre tres humble et tres Obeissant Serviteur,

Terisse de Ternan.

Original Text:

Addressed:

A Monsieur,

Monsieur Rossard Greffier en Chef du Conseil Superieur de la Province,
A la Nlle Orléans.

15 mars de 1729.

Monsieur Et Amy:

Je profite avec plaisir de l'ocasion de la Pirogue que janvoye pour ses Mrs. avec quelques provisions de bouche pour leur Compte et a même temps vous assurer de la Continuation de mes Etroites, reconnaissances et Civilites ainsi quela Madame votre Epouse

*1 Minot—3 bushels.

arrivée sans doute a bon port dans votre Capitale depuis le temps que vous l'attendez, a laquelle je n'ay pu a mon grand Regret Envoyer du bois de Noyer comme vous me l'aviez demandé pour faire une Comode, personne ne fait scier pour le present un chacun etant occupé aux Semences, Si dans la suite je puis en trouver je ne manqueray pas a vous l'envoyer, Il y a longtemps que je presse le nomme Leonard qui vous doit et je viens presentement de luy demander le payement mais Il ma repondu quil netait point en Etat que les maladies quil avait Eues ne luy pouvait fournir les moyens defaire aucun Envoy, Il ma cependant promis que cette automne il finirait cette affaire. Je lay menace de luy faire contraindre par force. Si il y voulait satisfaire, il daut convenir que cest un drole que ne parait pas fort ardent a Sacquiter je feray neanmoins en sorte d'en arracher ce que je pourray, Je Compte que vous aurez le payement en Castor du billet que vous aviez de moy, je continue a prendre la Liberte dagir avec vous en amy, je vous adresse par cette ocasion v ngt cinq Jambons sur Lesquels Mr. duval doit en prendre Six et vous Monsieur ce que vous jugerez a propos du reste Si votre Couvent si vos freres etoient en necessites vous en disposerez comme il vous plaira, Jespere faire partir une pirogue chargée de favine pour mon Compte dans peu cest a dire quand j'auray du monde qui son Rares icy je vous prieray en ce temps de ne pas coud en laisser manquer que j'espere quelle ne sera point rare cette année a la Nlle. Orleans, les recoltes ayant été abondantes dans ce pays, quine respire qu'apres les negres et une paix tranquile avec nos Ennemis que nous attendons de jour a autre, Si vous voulez faire quelque provisions adressé vous a Mr. Boineau qui descend parceque cest celui qui a la meilleure cargaison en qualite de toutes choses.

Nous aspirons apres l'arrivee d'un Convoy etant dans le besoin et la necessite de toutes choses et quoy qu'il fasse encore froid nous ne laissons pas que d'Etre alterés supres d'un grand feu ou nous nous repaissons de mets et de liqueurs tres Exquises Il y a six mois nous en avons perdu le gout, Chargé moy je vous prie de vos petites Commissions en ces quartiers et Soyez persuadé que personne ne cherche avec plus dempressement que moy a vous prouver avec combien de sincerité et de reconnoissance.

Jay L'honneur d'Etre,

Monsieur Et Amy,

Je vous supplie de faire mes complimens a Mr. Renaut et Many auxquels je souhaite une bonne Santé et continuation de plaisirs.

Votre très humble et tres obeissant serviteur,

Aux Cascaskias ce 15 Mars 1729.

Terisse de Ternan.

No address, below first page: "Mr. Rossard."

Original Text.

13 8bre 1729.

Monsieur Et tres Cher Amy:

Jay reçu avec plaisir votre longue et agreable lettre du 15 juin dernier dans laquelle vous me faites les details des nouvelles de votre Capitale qui consiste en plus grande partie dans des meurtres assassins et mariages qui ont cause une effusion de sang Si tragique dans vos Rues je compte que cela doit presentement Etre un peu Calme attendu que ces sortes de pucelages doivant etre raffermis et pris le le Cours ordinaire de la nature, Il paroît bien que votre couvent a été mis en deroute puisque malgre les voeux qui ont été faits par vos freres il y en a un qui sest marié Sans cependant aucun scandale public auquel je souhaite bien du contentement ce quil y a lieu d'Esperer ayant Epousé une Dame tres vertueuse Et remplie de merite, vous devriez aussy porter notre amy Massy a faire une fin car il est dangereux qu'un aussy galant homme demeure si longtemps dans le Celibat.

Vous m'avez tant demande d'oignons qu'enfin je me suis trouvé en Etat de vous adresser cette pirogue ou vous en trouverez de tres beaux que vous pourrez manger a toutes saulees et sans les Epargner ainsy Monsieur et amy je vous prie de ne vous en point laisser manquer, faites en part a Mr. Renaut d'un compte de cent que je luy offre avec plaisir, Jay ecrit a Mrs. Perrier et de la Chaise que si ils en souhaitent prendre leur provisions vous aurez la bonte de leur faire remettre ce quils souhaiteront, et le surplus vous me ferez le plaisir de me les faire vendre en marchandises de traite ou toilles Si il y en a vous reglerez le prix Suivant la Rarete et leur qualite si vous les vendez a la piece il y en a qui doivent valoir le triple par leur grosseur cette denree est bien venue cette annee dans ces quartiers et jamais on ny en a vu de si beaux tout cela vient du Cru de mon jardin et du fruit de mes travaux vous voyez bien par la que je tache de me mettre en Etat de vous aller voir et de boire avec vous lorsque ses Mrs. le souhaiteront.

Jay receu la copie du receu de Mr. Pellerin dont je vous remercie ainsy que de ce que vous avez bien voulu porter Mrs. du Conseil a prendre mes favines, on a eu tort d'insérer dans le receu que cetoit a compte de ce que je dois a lancienne regie Jay regle mon compte depuis et si je dois ce nest que la nouvelle.

Tachez je vous prie de m'envoyer ce que vous pourrez pour mon Compte par les premieres ocasions en ce que vous pourrez attraper

des magasins ou ailleursf, je recevray avec plaisir ce quil vous plaira menvoyer et pour votre compte, la serge verte dont vous me parlez est assez de defaite icy je tacheray den tirer le meilleur parti que je pourray en ce que vous me marquerez envoyer la toujours.

L'arrest que l'on a envoye icy contre les jesuites a fait grand bruit ils disent qu'on n'en aura le dementy et quils ont les pouvoirs du pape, ils me menacent fort parcequils disent que cest moy qui ay Ecrit le ne doute point quils ne fassent tous leurs Efforts pour me faire relever a quoy ils travaillent depuis deux ans aupres de Mr. Perier mais il en sera ce quil pourra et je donneray toujours avis de ce qui me paroitra etre contre le droit des gens et les interets de la Compagnie dont je me suis charge avec plaisir.

Je nenvoye point d'oignons a Mr. Pradel parceque il doit en avoir une bonne provision je crois quil sera jaloux de ce que je ne luy adresse pas cette voiture mais je ny scaurais remedier attendu quil n'est point Stable a la Nlle Orléans et que dailleurs quoique mon amy je ne me soucie guere d'avoir des affaires d'interets avec luy a son arrivee de france il ma ecrit une lettre pleine des plus belles promesses du monde et quil menverroit bien des petites douceurs par les premieres ocasions ce que je ne luy demandois pas cepandant depuis ce temps il ne ma plus parle de rien que de bien luy faire ses affaires icy et il a envoye a Madame chassin une Duc Dave de vin de frontignan Sans me faire la moindre honneteté il etoit inutile en ce cas me faire des offres sans les avoir mandie, il est votre voisins a ce quon ma dit et Chassin aussy je ne scay comment il se tirera d'affaire faites moy l'amitie de me marquer dans quel etat sont ses Comptes, il a ecrit icy que je devois etre releve cepandant aucun de mes amis ne men parle non plus que Mr. de la Chaise, il ma crit une Lettre assez Seiche a laquelle je ne daigne repondre me taxant d'avoir Ecrit contre luy a ses Mrs. il se trompe fort car le lay menage autant que je lay pu, quoy que il ne le merita guiere par de certaines petites maniers hautaines quil a fallu mettre bas par forme.

Mr. Dutisne est toujours tres incommodé quoy que il ne laisse pas dagir et de remuer comme a Son ordinaire il a tres bien Vendu votre plomb parceque cette année on a pas été a la mine et quil sest trouve Rare. Ramassez des marchandises de triatte quand vous en pourrez avoir des magasins cela se trouvera toujours dans son temps principalement des Couteaux de toutes Especes, Chaudieres de Cuivre, Jaune Limbourg, Vermillon, poudre plomb, &c.

Vous me marquez avoir de la Sempiterne verte envoyez la je tacheray de m'en Defaire a son bon Compte il y a des temps que cela Se Vend bien, l'Eau de vie n'a point eu de vogue cette année

pour la pelleterie on la vend en farine Jambon ou lard et a Credit dont on a bien de la peine etre paye, jen ay voulu donner a 10c. en Castor Comptant qu'on ne pas voulu prendre non plus que celle qui etoit venue pour feu Mr. Deliette qui a été remise a ses heritiers pour etre Vendue a Son profit, Il m'en restoit comme je vous ay deja marque 14 pots et peinte de l'ancre qui avoit Coulé dans le bateau de Mr. Dutisne que jay vendu en bloc 150# en Castor avec bien de la peine, il revient 40. Jambons pour l'autre qui etoit assez Conditionnes lesquels je nay pas encore receu parcequils ne sont pas parfaits, vous me marquez quils devoient Contenir les deux 45 pots je puis vous assurer que quand meme ils auroient etes pleins ils auroient de la peine a en tenir 40, cette marchandise est un peu trop risquable pour envoyer si loing a moins que detre bien Conditionnee de futaille et dans des mains bien seures Sans quoy on ne la recoit jamais Sans fraude l'anne derniere je recus un quart de pascal pour ses Mrs. qui etoit a moitie d'Eau, Si vous pouvez trouver des bas de toutes especes envoyez les car ils sont rares icy aussy bien que des souliers de femme, Rubans mousselines Baptistes et autres menues bagatelles ou il y a plus a gagner que sur des grosses pieces.

Je ne trouve de difficulte dans tout cela que les occasions favorables pour faire ses Envoyes et entre bonnes mains, Mr. Girardot doit monter ce printemps il pourra bien se charger de quelque chose a votre Consideration m'ayant promis de le faire avec plaisir, Si il y avoit quelque difficulte prie M. de la Chaise de faire passer cela comme pour la Copagnie dans le bateau dont vous me donnerez avis separé.

Je vous envoie dans cette pirogue 50 minots ou Environ d'oignons avec deux paquets de Castor pezt. Ensemble 140L qui font 231 lb. a 33s, comme la Compagnie le prend Sur quoy il y a pour leau de vie a vous 150# il restera 81# pour mon compte particulier que je vous prie de m'employer comme vous pourrez, Envoyez moy Si vous pouvez une cruche de 15L de sucre ou environ, Si par hazard vous trouviez deux paires de billes de billard a acheter vous me feriez plaisir de me les envoyer.

Cest pour une personne qui ma prié de les faire venir et qui na pas de connoissance en bas.

Vous aurez la bonte de faire remettre la pirogue a la Compagnie avec les Rames et de retirer six peaux d'ours pour Couverture avec une petite chaudiere tres mauvaise et une canevete, il faudra aussi payer au somme Bourguignon 30-lb. an marchandises qui je luy ay promis dengagement et une chemise a un sauvage biloxy que je luy donne de plus que il na receu icy cest a dire en cas que vous soyez content de la Remise, cest un soldate

nomme Concombre qui est charge de cette voiture je ne scay si il vous rendra bon Compte.

Le nomme Leonard qui vous doit depuis longtemps vient de me remettre 200L. de favine avec bien de la peine et encore il a fallu que Jaye fourni un sac de toille neuve que je vous prie de me renvoyer avec les autres, je tacheray en le pressant de vous faire payer il ma promis a Noel de finir cette dette, je prend sa favine a 15⁷/₁₀₀ qui est le prix dicy Je vous prie de me Croire avec toute l'Estime et l'attachement possible.

Monsieur et Cher Amy,

Votre tres humble et tres obeissant serviteur,

Terisse de Ternan.

Aux Cascaskias ce 13 8bre 1729.

Original Text.

Addressed:

A Monsieur:

Monsieur Rossard Greffier en Chef du Conseil Superieur de la Province La Louisianne, A La Nouvelle Orléans.

20 gbre 1729.

Monsieur Et Cher Amy:

Si je laissois partir Ses pirogues Sans avoir le plaisir de vous Ecrire je croirois vous donner Lieu de penser que Jay oublie l'amitie reciproque qui est entre nous deux ou je voudrois depuis longtemps la plus grande part ayant par devers moy des avances dans lesquelles il ne me reste que le desir d'une Etroite reconnoissance.

Ne vous Ennuyes pas je vous prie Si je ne vous envoie pas vos Jambons ils sont encore a langrais et ou doit au premier jour les mettre au saloir d'ailleurs quand je les aurois je ne pourrois pas pour le present vous les Envoyer Car tous ceux qui descendent Sont d'ordinaire Chargés pour leur Compte et quelque fois obligés de laisser de leurs Effets Je Suis meme actuellement assez embarrasse de Scavoir Comment vous les Envoyer avec un plus grand nombre qui me sont deus Je crois que je seray oblige de massocier avec quelqu'un en Entrant dans les frais de Voiture tant de pirogues qu'Engages pour les faire descendre joint a autre chose que je pourrois avoir en ce temps, Si par hazard il nous venoit un bateau pour la Compagnie je pourrois en ce cas faire Charger a fret pour votre Compte et Le mien.

Il y a des personnes qui mont demande de la sempiternelle Verte Sur ce que vous m'avez Marque avoir le dessein de m'en Envoyer

comme je leur ay dit il ny a que le prix qui nest pas encore Regle ainsy Continue votre premier mouvement Sur cet Envoy, Je vous avois deja marque que javois fait une barrique et un quart de vin du pays avec la ferme resolution prise que je n'en ferois l'ouverture que le printemps prochain, mais ayant continuellement sous mes mes pieds ce nom de vin dans une cave ou je descend souvent pour voir si il ne leur arrive aucun accident je me suis laisse aller pour le Quart seulement la a Sainte Martine quoy que bien vert encore, main pour la barrique aura Campo jusques a Pasques contre toutes tentations Je ne crains que Sainte Les Roys et Sainte marty cras je compte en ce temps m'absenter pour ne pas manquer a ma parole, je vous diray par la suite de quelle maniere je ne Seray Comporte a ce sujet pour que vous me rendiez Justice, je vous prie si cela se peut de songer a du sucre du Cffe et aux bagatelles propres a amuser dans un lieu d'austerite.

Je suis toujours de tout mon coeur et avec toute la sincerite possible.

Monsieur Et Cher Amy,

Reflexion faite le quart a dure cinq jours pour que vous ne croyiez pas quil a été bu dans un.

Votre tres humble et tres obeissant serviteur,

Terisse de Ternan.

fort de Chartres ce 20 Novembre 1729.

Letter to Mr. Rossard. No address but the name "Mr. Rossard" at the end of the first page.

Original Text.

14 avril 1730.

Monsieur Et Amy:

La Pirogue que Mrs. Perier et de la Chaise ont fait aviner pour venir jusques icy en toute Diligence nous donner avis des Massacres des francois etablis aux Natchez et yasoux ainsy que sur le fleuve Nous a trouve heureusement encore tous en vie cette tragique conspiration n'ayant pas eclate jusques a nous quoy que cepandant les Illinois y ayant été Convies par les Chicachas l'Ete dernier qui vinrent icy pour cet Effet et dont nous n'avons eu aucun vent par nos domiciliers jusqua l'arrivee de Mrs. Girardot et Coulange ce qui nous donne lieu de penser quils avoient mauvais dessein et point de seurete de savoir si ils ny persistent encore, quoy quil en soit nous sommes actuellement apres nous fortifier et tenir en Etate d'Eviter

la Surprise des Barbares auxquels on ne peut ny ne doit avoir aucune confiance etant toujours expose a etre Egorgé si on ne se tient pas sur ses gardes.

Jay été surpris de n'avoir reçu aucune nouvelle de vous Monsieur et amy cependant Mr. de Coulange ma assuré que vous etiez en parfaite santé guay et gaillard et que nos Oignons etoient arrivés a bon port heureusement avant le Massacre des Natchez ou ils ont passes.

Je vous adresse par Coulange trente six jambons bien conditionnés pour choisir les meilleurs a votre usage et le service et le reste comme a l'ordinaire les vendre en marchandise le mieux que faire ce pourra, je m'en raporte tout a vous, on ma dit quil etoit venu de la vaisse le anglaise au magasin je crois et espere que vous n'aurez pas manque a m'en acheter si vous l'avez pu, prie en ce cas Mr. de la Chaise de la faire embarquer ainsy que ce quil vous palira m'envoyer dailleurs par le Bateau de la Compagnie qui doit monter icy et ce en cas qu. vous voyez qu'on ne me rappelle pas sitot plusieurs personnes m'ont dit icy que feau Mr. Delorme venoit pour relever Mr. de la Chaise Je vous prie de me marquer ce qui en esr ainsi que de ce que vous voudrez bien me faire part des nouvelles de votre Capitale, je vous prie de me Croire toujours avec toute l'Estime et Consideration possible.

Monsieur Et Amy.

Je vous prie de remettre la lettre Cyjointe a son adresse pour raison.

Votre tres humble et tres obeissant serviteur,

Terisse de Ternan.

Fort de Chartres 14 avril 1730.

Address:

A Monsieur:

Monsieur Rossard Greffier en Chef du Conseil de la Province la Louisianne, A la Nlle. Orléans.

Original Text.

23 may 1730.

Monsieur Et Amy:

Je profite de cette ocasion pour vous informer de la mort de Mr. *Dutisne* decedé le 15 de ce mois en ce poste lequel par ce facheux accident indispensable a tous les hommes a mis fin a ses inquietudes d'Esprit qui n'avoient jamais Cessé, il est bien mort ainsy il seroit inutile de vous faire le detail de tant de persecutions a mon Egard

que je luy pardonne de bon coeur quoy que il aye travaille de toutes ses forces a me perdre dans l'Esprit de Monsieur Perier a dessein de me faire relever dicy pour avoir sa revanche mais non pas de la même facon de ce quil l'avoit été aux Natchitoches depuis nombre d'annees pour des insultes faites a tout le monde en ce temps, on a decouvert une affaire apres sa mort qui fera tort a sa memoire ayant levé contribution d'un voyageur pour emporter de pelleteries au Canada contre les ordres publies du Conseil, cest a cette occasion quil me menacoit tant de me faire oter dicy pour me drober la connoissance de ses malversations, mais comme je n'ay d'autre but que de servir avec honneur et sans aucune vue d'ineret jespere que ses Messieurs me rendront justice avec layde de mes mais qui me font l'honneur de connoitre le fonds de mon Caractere quon a voulu noircir de Mr. Perier qui peut etre reviendra de ses preventions.

On a fait un inventaire du deffunt et le greffier a eu des droits en vertu de l'arrest rendu l'annee derniere contre les Missionnaires a locasion de feu Mr. Deliette, le testament quil a fait en mourant prétend déchoir Madame son Epouse de toutes pretentions a sa succession mais comme cette affaire nous a paru assez delicate a decider le Conseil aura la bonté de la decider, on me menace fort d'Etre Relevé Si cela est Jauray le plaisir de vous aller assurer avec combien de sincerite et d'Estime je continue a Etre.

Monsieur et amy,

Votre tres humble et tres obeissant serviteur,

Terisse de Ternan.

fort Chartres 23 May 1730.

DUTISNE—(de Tisne)—Dutisne came with d'Urberville, was commissioned captain in 1719 and explored the country of the Missouri and the Osages. He learned the Indian dialects very quickly and on one of his expeditions heard the Indians plotting to scalp him. Mr. Dutisne, whose head had been shaved the eve, pulled off his long curly wig, and throwing it on the ground, said: "You want my scalp—well, take it, if you dare. The Indians were dumb from astonishment and fear. He then told them that they were wrong in wishing to harm him; that, if he chose he could burn up the water in their lakes and rivers to prevent them from navigating, that he could set fire to the forest. Taking a porringer from a barrel, he poured brandy into it and set it afire, to the dismay of the Indians; then he took from his pocket a sun goass and set fire to a decayed tree. The Indians were persuaded that he possessed unlimited power to destroy, they loaded him with presents and gave him an escort to his destination. Bienville sent him among the natives on many occasions to conclude treaties or gain their friendship. One of his daughters married the famous Chevalier de Grondel.

Addressed:

A Monsieur:

Monsieur Rossard greffier En Chef du conseil Superieur de la Province la Louisianne, a la Nlle. Orléans.

Monsieur Et Cher Amy:

Je ne vous fais aucun reproche Sur ce que je ne recois pas de vos nouvelles par toutes les occasions n'attribuant cela qu'a l'Embarras

Continuel des affaires dont vous etes charge en votre Capitale ou tout le monde en general a Recours a vous, tout ce que je puis vous dire a ce sujet c'est que vous regardant comme un de mes meilleurs amis je recois avec bien du plaisir de vos nouvelles pour apprendre l'Etate de votre sante a laquelle je m'interesse beaucoup.

A l'Egard de nos petites affaires particulieres je laissee je laissee ce soin a votre loisir, vous devez avoir reçu par Mr. Coulange 36 Jambons que je luy avois livre pour vous merettre, comme je Compte descendre dans peu ce que vous le scavez plutot que moy je vous prie en ce cas de ne me faire aucun Envoy parceque je pourrois etre en Route pendant que cela viendrait, vous vous reglerez Sur ma situation et les sentimens ou ses Mrs. seront a mon Egard, Ils me font connoitre bien de l'animosité en me traitant come je ne perite pas a locasion des plaintes de Mr. Dutisne et Girardot morts tous les deux ce printemps, ils ont trouve quelque indisposition chez Mr. Perier et n'ont pas manque d'en profiter et ce Commandant de me le faire sentir, Jattribue aussi cette vengeance d'autorité au crime du péche originel Commis d'avoir été Amy de feu Mr. de la Chaise.

Interdictions, Cassations, &c., tout en est et jen vois bien d'autres qui ont eu le meme sort, la Chaise a Tourne dans de l'estime, je regarde tout cela Sans Etonnement ny surprise avec toute la tranquillite imaginable parceque jay par devers moy preuves et Ecrits a produire en temps et lieu, soyez je vous prie Monsieur et Cher Amy toujours le meme que vous m'avez temoigne Esperant de vous aller voir bientot et vuider quelques bouteilles ensemble pourvu neanmoins que l'Entree libre que vous voulez bien me donner chez vous ne porte aucun ombrage qui puisse vous faire aucun tort, nous n'en Serions pas moins amis pour tous ces Inconveniens l'affaire que Mr. de Merveilleux a eu avec Mr. le Baron a été debitee icy de bien des manieres il paroît bien de l'animosité contre cet . . . cela ne me surprend pas puisque tous ceux qui avoient Commis le peche originel y sont compris, Jay tout lieu d'Etre mecontent a Outrance mais bon coeur Sans foiblesse resolu de tout soutenir et je fais Vendange actuellement Chez moy en attendant le plaisir de vous aller voir, je le demande au Conseil sans retour. Je Suis toujours de tout mon coeur et avec une vraye estime et sincere amitie.

Monsieur Et Cher Amy:

Votre tres humble et tres obeissant serviteur,

Terisse de Ternan.

Fort de Chartres 30 7bre. 1730.

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Addressed:

A Monsieur:

Monsieur Rossard Greffier en Chef du Conseil de la Province de la Louisianne, a la Nlle. Orléans.

Original Text.

Monsieur Et Amy:

Jay Scu par Mr. Dutisne fils les marques de votre souvenir que vous m'avez bien voulu temoigner a son depart Sans lettres par ceque il ma dit que vous m'attendiez en bas, vous le devez Scavoir Si vous avez bien voulu vous en informer, jattend la de pres les ordres que l'on me donnera et en ce cas jauroy le plaisir de vous voir persuade que vous me recevrez toujours en qualite d'amy Surquoy je Compte quelques Evenemens qui puisse survenirs a ma personne, &c.

Je vous envoie hardiment Sans crainte a ne pas Croire meme que cela vous soit a Charge 11 bons Jambons ou vous aurez la Cotte part du Couvent gratis quoy que vous n'en n'avez pas besoin mais acceptez et Recevez de bonne part tout ce que Jay, Il y a aussy trois caisses tabac bien conditionnes que je vous prie de me faire Vendre par des marchands debiteurs ou detailleurs dans la ville il y en a 671L pezt en Carotte et peu en Rouleaus, Choisissez en car il est tres bon et bien fabrique, aydez moy Mon cher Monsieur et amy et me croyez avec un vray et sincere estime d'amitie et d'attachement personnel.

Mon Cher Amy.

Votre tres humble et tres obesissant serviteur,

Terisse de Ternnal

Cascaskias ce 4 Mars 1731.

On opposite page: "nes'en est trouvé que Cn# LesCaisses etant entres mauvais Etat," these lines in a different hand witing.

10 juin 1731.

Monsieur Et Cher Amy:

Je ne puis croire que votre negligence a ne pas donner aucune marque de la condituation de votre amitie ne proviennent dautre chose que del'embaras d'affaires ou vous vous trouvez malheureusement toujours au Depart des Convoys des Illinois, Si je n'etois pas si prevenu de votre bon coeur a mon Egard je me serois rebute, mais non quand je devrois m'exposer a devenir Incomode et a charge je Continuerray Il est vray quon me fait des Compliemens de votre part et meme des marques anciennes d'Estime que Madame Votre Epouse m'avoit temoigne avant que Elle m'eut fait mettre en prison ce que je n'ay jamais cru etre venu de sa part particuliere cela nayant rien diminue chez moy Envers Ellé de ce que javois Concu dans ma personne d'Estime et de consideration pour son merite.

Je vous avoue franchement Monsieur et Cher amy que jay été charme de votre Lien avec cette aimable Dame je vous Souhaite a tous les deux bien des prosperites pendant un nombre d'annees pour vous dedommager l'un et lautre d'un si long veuvage, Je luy en fais a elle meme fnon Compliment et Espere que sous vos Eluspices Jauroy part dans ses Estimes, Vous apprendrez avec Surprise ainsy que Madame votre Epouse le mariage de Mr. Dutisne avec la veuve de feu Girardot qui a été fait incognito par les R. P. Jesuites sans avoir pris Conseil ny avis de personne, le Commandt. nayant pas voulu consentir a donner la permission quoy quon aye passe outre, Si il m'avoit donne quelque connoissance de cette affaire je vous avoue que je l'en aurois detourne pour bien desraisons et aussy par la disproportion de age et de Circonstances, cela na pas été fait de bon aloy et meme on n'en murmure fortement, Jen suis fache quoy quil aye voulu pour des discours continuer en survivance de feu Mr. son pere repandre contre moy ses ressentimens.

La Reussite de nos armes dans toute la Colonie fait renaitre les Esperances d'un peuple allarmé qui a été tres maltraité ses années dernieres il faut Esperer que toutes choses prendront un cours avantageux pour son retablissement.

En attendant l'honneur de vous voir je continue d'Etre avec une sincere Estime et attachement inviolable ainsy qu'a Madame votre Epouse—la paix—la paix.

Monsieur et Cher Amy,

Votre tres humble et tres obeissant serviteur,

Terisse de Ternan.

Fort de Chartres, ce 10 Juin 1731.

Addressed:

A Monsieur:

Monsieur Rossard Greffier en Chef du Conseil Superieur de la
Province, a la Nlle. Orléans.

Original Text.

Monsieur Et Cher Amy:

Jay reçu avec bien du plaisir votre longue et agreable lettre par Mr. de St. Ange m'apprend que vous etes en bonne sante ainsy que Madame votre, Epouse, Je ne scaurois vous exprimer la joye que jay de votre contentement et satisfaction dans votre mariage je vous souhaite a l'un et lautre bon nombre d'années de felicité et de satisfaction Je vous remercie des soins que vous voulez bien vous donner pour mes petites affaires en bas Si je pouvois icy vous rendre le reciproque Je my portes volontier et avec empressement pour vous prouver mon Etroite reconnoissance, cecy est dit de coeur et sans fard Il paroît que Mrs. du Conseil ne sont pas trop portes a me faire plaisir puisquils ont eu tant de peine a recevoir mes favines a un si bas prix Sils savoient le peines que je me donne icy pour Eux ils en agiroient autrement, Je demande depuis longtemps un congé pour descendre et point de reponse Mr. Le general ma Ecrit dernièrement un peu plus moderement que cy devant je souhaite que cela continue, je prends votre conseil la dessus Je vous diray que nous sommes icy en grand mouvement a locasion des Chicachas ambassadeurs que nous envoyons an bas Lier ces coquins travaillent toujours contre nous a gagner les Nations de la part des Anglois, Jespere qu'on me laissera descendre ce printems si cela est Jauray le plaisir de vous voir, vous scaurez, cela ainsy vous vous reglerez pour ce que vous pouvez m'envoye pour mon compte, le tabac na pas produit dans la rarete comme on me lavoit dit icy les jambons etoient bien bons et conditions Il faut quils ayent été changes dans le bateau comment faire,

Mr. Dutisne doit etre arrivé a bon port suivant ce que jay appris jen suis bien aise si cela est car tout le monde craignoit pour luy, son epouse a fait icy une fausse couche dit on pendant son absence ce que je ne scay que par ouy dire etant six heures dicy.

Jay lhonneur de vous saluer ainsy que Madame votre Epouse ay ayant celuy detre avec toute Estime et consideration possible

Monsieur et cher Amy,

Votre tres humble et tres obeissant serviteur,

Fort de Chartres 10 7bre 1731.

Terisse de Ternan.

Dutisne, Jr., was with Darcaguet when he was taken prisoner by the Natchez and burnt with P. Senac, S. J., and many others.

Monsieur Rossard Son Compte avec Monsieur Terisse de Ternan:

<i>Castor:</i>	<i>Doit</i>		
Recu de Beaufort pr Restant de Castor.....	192	"	"
Recu en Js. Pr. V 110-lbs. on aB 4c. Lal.....	188	5	6
Recu en Js. de Mr. Girardot pr la somme de.....	40	"	"
<i>Jambons:</i>			
Recu de Mr. deLatour 116 Jambons a 8is.....	928	"	"
Recu dunav poste auparayt 25 J a 10#.....	250	"	"
Recu de M. de Coulange 36 a 8i.....	288	"	"
<i>Oignons:</i>			
dans l'Envoye quil men a été fait Jen ay livre un quart a Mons de Perier; un quart a Mr. de la Chaise et deux quarts a Mr. Massy quil doit Estimer pr. M. Terisse.....	60	"	"
<i>Tabac:</i>			
dans l'Envoye qui men été fait Il en a eu 219-lbsy faisant pour la somme de.....	429	12	6
	<hr/> 2375# 18		
Pour 14 pots d'Eaudevie, qui est le restant d'un ancre qui a coule rendu aux Illinois Pr. Mr. Terisse.....	150	"	"
paye le Compte de M. Terisse a un Francois en ar- gent.....	30	"	"
une Chemise a un Sauvage.....	4	"	"
donne a Mr. Duval six jambons et pris six pr. moy sui- vant La letre de Mr. Terisse des 25 envoye a 10# piece.....	120	"	"
Trente six Jambons des cinquante envoye a la Mobile qui ont été jetes a la Riviere par Razon etant pour- ry a #.....	288	"	"
Paye un billet du Sr. Therisse de la somme de.....	70	6	8
a luy paye a son arrivee quinze ecus de six livres fait	90	"	"
Pour un mois de loyer de la maison quil occupe.....	10	"	"
	<hr/> 762 6 8		
Pour solde du present Compte.....	1613	11	4
	<hr/> 2375 18 ?		
Montant dela Suler.....	1613	11	4

a toile de Brion vingt quatre sunset trois quarts a			
2# 5c. Laune.....	55	13	6
adre Commune trente quatre et trois quart a 2#			
Laune.....	69	10	'
Pour un Buffet.....	18		
	<hr/>		
	143	3	9
Pr. Solde du Jour.....	1470	7	7
En marge courant du jour 735#39S.....			10
a deduire dix livres de Loyer p lequel mois..	735	39	



CABILDO ARCHIVES

French Period

V

Edited by Henry P. Dart

Family Meetings

1738-1753

The two documents printed below are produced for the use of students of the probate system of the French period, and also for the intrinsic interest of the transactions covered by these records.

The first, February 3, 1738, is a petition of Fleuriau, procureur general of the King, advising that Joseph Chauvin de Lery, half pay officer, was killed at the Natchez on the 13th of the same month, leaving a wife, who was expecting a posthumous child, and an order is asked to convene a family meeting to select a tutor to the expected child, and a curator to the mother, who, it is said, was still a minor herself. It is a brief, but interesting and historical document, and deserves the attention of students.

I.

Translation

By Heloise H. Cruzat

Succession of Sr. Joseph Chauvin de Lery.

To M. Salmon, Commissary of the Marine, Intendant-Commissary and First Judge in this province.

Represents the Attorney General of the King that he has been informed that Sieur Joseph Chauvin de Lery, half pay officer, was killed at the Natchez on the thirteenth of this month, and as he leaves a wife whom they say is pregnant, and accounts due to the King from his trade with the Choctaws, as well as to other private individuals, the widow being a minor, it is fit to appoint a tutor to the posthumous child and a curator to the widow, This considered:

May it please you, Sir, to order on our petition that the relatives be convened, before such of you as it will please you to name, who, after taking the customary oath, will proceed to advise for the elec-

tion of a tutor to the posthumous child and of a curator to the mother, and considering that the deceased was an officer, to proceed afterwards, in their presence and before the Major of the Place, to an inventory and appraisal of the property of the deceased Sieur Joseph Chauvin de Lery for the protection of the rights of whom it may concern.

At New Orleans, February twenty-first, one thousand seven hundred and thirty-eight.

Signed: "Fleuriau."

Be it done as requested. This 21st Feb., 1738.

Signed: "Salmon."

Original Text.

A Monsieur Salmon Commissaire de la Marine ordonnateur et premier juge en cette province.

Expose le procureur general duroy quil a appris que le Sieur Joseph Chauvin delery lieutenant reforme avoit été tue aux Natchez le treize de ce mois et Comme il laisse une femme quon dit enceinte, plusieurs Comptes tant avec leroiy a cause de sa traitte des chactas quautres particuliers Et la veuve se trouvant mineure il Convient Delire un tuteur alenfant posthume et un curateur ala veuve cest pourquoy ce considere.

Vous plaise Monsieur ordonner qua notre requeste les parents soient convoques par devant lun des messieurs quil vous plaira Commettre pour apres le serment accoutume donner leur avis pour lelection dun tuteur a lenfant posthume et dun curateur ala veuve pour etre ensuite en leur presence et celle du maior de la place attendu que le deffunt etoit officier procede a linventaire et estimation des biens du deffunt Sieur Joseph Chauvin Delery et ce pour la Conservation des droits de qui il appartiendra Ala Nouvelle Orléans le vingt et unieme fevrier mil sept cent trente huit.

Fleuriau.

Soit fait ainsy quil est Requis. Ce 21 fever 1738.

Salmon.

II.

The second is a petition for a family meeting, filed by Payen de Chavoy, tutor of the minor children of M. de Noyan, the object to obtain the advice of relatives and friends as to the desirability of exchanging Horn Island, which the minors owned, for real property in the city of New Orleans. We reproduce it because it is a well drawn petition, and we find attached to it the original return of the

sheriff of the Superior Council showing how the members of the family meeting were notified of their appointment. Unfortunately we have not found in either of these cases the proces verbal of the family meeting.

Translation by H. H. Cruzat.

1753. Oct. 26. *In Re: Minors de Noyan.*

Petition for family meeting to advise concerning the exchange of Horn Island for New Orleans real property.

To M. Dauberville, Commissary of the Marine, Intendant (ordonnateur) and First Judge of the Superior Council of this Province.

Petitions Sr. Payen de Chavoy, Knight of the Royal and Military Order of St. Louis, Captain of a detached company of the Marine, maintained in Louisiana, acting as tutor of the minor children of deceased M. de Noyan, whilst living, Lieutenant of the King in this colony.

Saying that M. de Bienville donated Horn Island to Sieur de Noyan, the son, with the special clause that it would never be sold but by an exchange to replace the said fund to the best advantage; but, as the said Horn Island brings no returns and that M. de Chavoy, as tutor, has found a lot situated in St. Louis street, owned by Sieur Grevembert, so-called Flamand, which would replace the said fund, and not being able to make the exchange without a meeting of relatives, and, in their default, of friends to deliberate on said exchange, he requests that:

This considered, it may please you, Sir, to order that a meeting of relatives, or, in their absence, of friends be convened to deliberate on what is suitable for the said exchange; and this before one of the members of the Council, whom it will please you to appoint and in presence of the Attorney General of the King and that justice may be done

Signed: "Chavoy."

October 26, 1753.

It is allowed to convene a meeting of relatives, and, in their absence, of friends for the purpose mentioned in the present petition, before M. Le Breton, Councillor, commissary appointed on this case, in the presence of the Attorney General.

Signed: "D'auberville."

At New Orleans, Oct. 31, 1753.

In the year one thousand seven hundred and fifty-three, on the fifth of November, by virtue of the above ordinance, following petition of Mr. Payen de Chavoy, Knight of the Royal and Military order of St. Louis, Captain of a detached company of the Marine, acting in the name of, and as tutor of the minor children of deceased M. de Noyan, domiciled in New Orleans, I, Marin Lenormand, undersigned, sheriff and crier of the Superior Council of this province, residing in New Orleans, where domicile is established, have cited the relatives and friends of the said minors:

First.—M. Jean Baptiste Faucon Dumanoir, grandfather of the minors, at his domicile, in this city, speaking to him in person;

M. de Belisle, Knight of the Royal and Military Order of St. Louis, Major,....(I)....of the minors, at his domicile in this city, speaking to him in person.

M. Desilets, uncle by marriage of the said minors, at his domicile in this city, speaking to him in person.

M. Azure, Captain of the troops maintained in this colony,(I)....of the said minors, at his domicile, in this city, speaking to him in person.

M. Vollant, Captain, Commandant of the Swiss troops in this colony, at his domicile in this city, speaking to him in person.

M. de Membrede, Knight of the Royal and Military Order of St. Louis, Lieutenant of the King in this province of Louisiana, a friend of the minors, at his domicile, in this city, speaking to him in person to appear this day, at 3 p. m. before M. Le Breton, Councillor on this case in presence of the Attorney General of the King, at his office, to give their opinion and deliberate on the exchange requested, notifying them that, in default of appearance, they will be thereto compelled in the customary way, speaking to them and leaving to each a copy of this present of which act has been passed.

Signed: "Lenormand."

¹Notes on personages mentioned in the above document:

JEAN BAPTISTE FAUCON DUMANOIR, Agent of the Company of the Indies; one of his sisters married Payen de Noyan, another was married to Joseph Chauvin de Lery, a trader, killed at the Natchez.

M. DE BELISLE, Major de place, was familiar with the Indian dialects which he mastered during his imprisonment among the Attakapas. He befriended Rochemore and thereby incurred Kerlerec's enmity. Kerlerec caused him to be recalled to France at the same time as Rochemore. He died in Paris, May 4, 1763, a few days after his arrival there.

M. AZURE probably HAZEUR, a Canadian officer.

CHEVALIER DE MEMBREDE had served in France in the King's body guard, was commissioned Captain in Louisiana at 24 years of age in 1732, took part in all the colonial campaigns against the Indians.

M. DESILETS, one of the Chauvin family who came here with Iberville. He signs: "Chauvin Desillest" and sometimes "Desillest."

Horn Island was conceded to Bienville in 1717. It was for a time called "L'île a l'Aigle," (Eagle island).

**Process Verbal of Family Meeting Convened to Decide on
Advisability of Exchange of Horn Island
for a City Lot.**

November 5, 1753. Opinion of Family of the de Noyan Minors.

Translation:

In the year one thousand seven hundred and fifty-three on the fifth of November, at three o'clock in the afternoon, before M. Louis Cezard Le Bretton, Commissary Receiver, in the Superior Council of the Province of Louisiana, Commissary appointed on this case, has appeared M. Payen de Chavoy, Knight of the Military Order of St. Louis, Captain of the detached troops of the Marine in this colony, acting as tutor of the minor children of deceased M. de Noyon,—who said and declared to us that he had petitioned M. Dauberville, Commissary Intendant, on the thirty-first of last October for the purpose and conclusion of being permitted to convene a meeting of the relatives and friends of the said minors to give their opinion on the exchange he would wish to make of Horn Island, owned by Sieur de Noyan, the son, as a gift from M. de Bienville, former governor of this province, for a lot situated in this city. Following this and by virtue of the ordinance of M. Dauberville and of the notice or citation served on relatives and friends, have appeared this day before us Mssrs. Jean Baptiste Faucon Dumanoir, Captain of militia, maternal grandfather of the said minors; Chauvin Desillests, officer of militia, maternal uncle of the said minors; M. Debellisle, Knight of the Military Order of St. Louis, Major of New Orleans, uncle by marriage; De Livaudais, Captain of the Port, also a first cousin; Mssrs. de Membrede, Knight of the Military Order of St. Louis, Lieutenant of the King; Azar, Captain of the Marine troops in this colony and Vollant, Captain commanding the Swiss troops in this colony, friends of the minors for the purpose of giving good and sincere advice on the said exchange and after oath taken by them to give good and sincere advice, Mssrs. Dumanoir, De Bellisle, de Membrede and Vollant have said that their opinion is that it is to the best interest of the minors that the said exchange be made for the lot offered by Sieur Flamand and have signed, the said exchange being very advantageous to the minors.

Signed: "J. B. Faucon Dumanoir." "Chavoy." "Bellisle."
"C. Membrede." "Desillests." "Vollant." "Hazeur." "Livaudais."

Wherefore, we, aforesaid Judge Commissary have ordered and do order that the present be reported to the Council to be homologated.

Original Text:

1753. Oct. 26. *In Re: Minors de Noyan.*

A Monsieur Dauberville Commissaire de la Marine, Ordonnateur, et premier Juge, au Conseil Superieur de cette province:

Petition for Family Meeting to Advise Concerning the Exchange of Horn Island for New Orleans Real Property.

Vous prie Mr. le Sr: Payen de Chavoy, Chevalier de l'ordre Royal et militaire de St. Louis, Capitaine, d'une Compagnie detach. de la Marine, entretenue a la Louisiane, au nom et comme Tuteur des Enfants mineurs de Feu Mr. de Noyan, Vivant Lieutenant du Roy en cette Colonie. Disant que Mr. De Bienville auroit Fait donation de l'Ile a Corne, au Sieur de Noyan Fils, close Expresse qu'elle ne seroit point Vendue, que par un Echange pour remplacer le dt Fonds au meilleur Avantage: mais Comme la ditte Ile a Corne ne rapporte aucun Vourstruit audt Sieur de Noyan et que le dt Sieur de Chavoy en saqualité trouveroit du Sr. Grevembert dt Flamand un terrain situé en cette Ville rue de St. Louis pour remplacement du dt Fonds; et ne le pouvant Faire Sans quil Soit Fait une Assemblée de parents ou amis, a deffaut pour deliberer Sur ledt Echange; pourquoy il requiert quie:

Ce Consideré Monsieur, quil vous plaise Ordonner quil Sera Convoqué une Assemblée de parents ou amis a deffaut pour deliberer sur ce quil Convindra pour le dt Echange; et ce.

Par devant l'un de Nosseigneurs qu'il vous plaira commettre, et en presence de Mr. la Porcureur General du Roy; ET FEREREZ JUSTICE; le 26 8bre 1753.

CHAVOY.

Permis de faire Assembler les parents et amis a deffaut aux fins de la presente Requeste par devant Mr. le Bretton Consr Commre en cette partie presence de Mr. le Procureur General a la Nlle Orleans Le 31 8bre 1753.

D'AUBERVILLE.

Lan Mil Sept Cent Cinquante trois Et le Cinquieme de Novembre Dumatin En Vertu de Lordonnance Cydessus et a la Reqte de Mr. Payen de Chavoy chvr. de Lordre Royal Et Militaire de St. Louis Capne dune Compe detachée de la Marine au Nom et Comme tuteur des Enfants Mineurs de feu Mr. de Noyan Domicille Ellu a la Nlle. Orleans Jay Marin Lenormand huissier auder au Cel Su-

perieur de cette province demt a la Nlle Orleans ou Est Ellu Dome Soussigné Donné assignation aux parents Et amis des dits mineurs premierement a Mr. Jean Bte Faucon Dumanoir, Grand père des mineurs En Son Domicille En cette Ville parlant a sa personne.

A Mr. de Belisle chevalier de Lordre Royal Militaire de St. Louis Major des mineurs En son Domicille Encette Ville parlant a sa personne.

A Mr. desilets oncle par alliance des mineurs En son Domicille Eh cette parlant a sa personne.

A Mr. Azure Capne des troupes Entretienue Encette Colonie, des dits mineurs En Sondlle En cette ville parlant a sa personne.

A Mr. Vollant Capne Commandant Latroupe suisse en cette Colonie amis des mineurs En Sondlle En cette ville parlant a sa personne.

A Mr. de Membrede Chevalier de Lordre Royal de St. Louis Lieutenant du Roy En la province de la Louisianne amy des mineurs En sondlle En cette Ville parlant asa personne a comparoir ce-jpurd'huy trois heures de Repereevant Mr. Le Breton Conlr. en cette partye Et Enpresence de Mr. Le procureur General En son hotel pour donner leurs avis Et deliberer sur echange demandée; Leurs declarant que faute de Comparoir. Il yseront Contraint, "En la maniere accoutumee Et leurs cy parlant que dessus laissé copie chacun du present dont acte." Lenormand.

5 Novembre 1753. Avis de la famille des mineurs de Noyan.

Original Text:

L'an Mil sept Cent Cinquante trois le Cinquieme jour de Novembre trois heures de relevee Pardevant Monsieur Louis Cesard Le Bretton Commissaire receffeur au Conl Superieur de la Province de la Louisianne Commissaire Nomme en cette Partie Est Comparu Mr. Payen de Chavoy Chvr. de Lorder Militaire de St. Louis capitaine des troupes detachees de la Marine En Cette Colonie au Nom Et Comme tuteur des Enfans Mineurs de feu Mr. de Noyan—Lequel nous a dit et declare quil a presente requete a Mr. Dauberville Commissaire Ordonnateur Le trente et un Octobre dernier tendant Et Concluant a ce quil Luy soit permis de faire Convoquer Et assembler Les parents Et amis des dits mineurs, a Leffet de donner Leur avis sur Lechange quil voudroit faire de Lisle a Corne appartenant au Sieur de Noyan fils a Luy donne par Mr. de Bienville Cy devant Gouverneur de cette Province, contre un terrain Scitue En Cette

Ville, En Vertu de quoy Et de Lordce de de Mr. Dauberville Et de Lexploit d'assignation donné aux Sieurs Parents Et Amis Sont Comparus ce jourdhuy pardevant Nous Messrs. Jean Baptiste Faucon Dumanoir, capitaine de milice, Grandpere maternel des dits mineurs; Chauvin Desillets, officier de milice, oncle maternel des de mineurs, Mr. Debellisle Chvr. de Lordre Militaire de St. Louis, Major de la Nouvelle Orleans, oncle par alliance, De Livaudais, Capne de port aussy cousin germain, Mssrs. Demembrede, Chvr. de Lordre Militaire de St. Louis, Lieutenant du Roy, Azar Capne des troupes de la Marine En Cette Colonie Et Vollant Capne Commandant la troupe suisse En cette colonie amis des mineurs a Leffet de donner Bon Et fidel avis sur le dt Echange et apres serment par Eux fait et Preste de donner Bon Et fidele avis, Messrs. Dumanoir, de Bellisle, de Membrede et Vollant ont dit quils sont davis Et quil Convient pour Linteret des mineurs que le dt Echange sefasse avec le terrain proposé du Sr. Flamand Et ont signe le dt Echange Etant tres avantageux pour les mineurs.

J. B. Faucon Dumanoir. Chavoy. Bellile. C. Membrede. Desillest. Vollant. Hazeur. Livaudais.

Surquoy Nous Juge Commissaire Susdt avons ordonne et ordonnons que le present Sera raporte au Conel pour y Etre homologue.



CABILDO ARCHIVES

French Period

VI.

Edited by Henry P. Dart

1744.

**Emancipation of Marie Aram, a Slave,
Redeemed by Her Husband's Labor during Seven Years.**

The document which we print below deserves perpetuation. It retells the story of Jacob and Rachel, but it is even more human than that, for it presents the case of a free negro engaging himself to serve the Charity Hospital of New Orleans during seven years, without salary, on condition that Marie Aram, his wife, a negress slave, shall be granted her freedom at the end of that term. The document shows that he had faithfully kept his contract, that the hospital authorities complied with their agreement, in due course, and the Governor and Commissary of the Marine put their signatures to her warrant of freedom.

**Petition of the Directors of the Charity Hospital of New Orleans
to Grant Freedom to Marie Aram, a Negress Slave.**

Translation by Heloise H. Cruzat.

1744. March 6.

The Hospital of the Poor Has Granted Freedom to Marie Haram.

(23780) (3785) fo 25.

To Mssrs. de Vaudreuil, Governor of the Province of Louisiana, and de Salmon, Intendant-Commissary, (Commissaire ordonnateur) of the said country:

The Directors and spiritual and temporal administrators of the Charity Hospital of the Pocr have the honor to represent that, in the year 1737, one Francois Tiocou, a free negro, engaged himself to serve the Charity Hospital during seven years, without salary, on condition of freedom being granted to Marie Aram, his wife, a negress slave, and of remitting certificate to her which was agreed to by the said directors and act passed of same, before notary, July 10, 1737.

And whereas the said Tiocou and Marie Haram, his wife, have worked and served the Hospital well and faithfully during the time laid down in the said engagement and that it is just to grant liberty and freedom to the said Marie Haram, the undersigned Directors and Administrators very humbly petition you, Gentlemen, to confirm and grant freedom to the said Marie Haram, negress, wife of Francois Tiocou, that in future she may be free as are all the subjects of His Majesty in France, the intention of the husband and wife being to serve the hospital and to remain there as long as they give satisfaction.

At New Orleans, this 6th of March, 1744.

Signed: "Raguet."

"F. Charles, *Capuchin Supr.,*
Cure."

We, Governor, and Commissary of the Marine, Intendant (ordonnateur) of the province of Louisiana, considering the above petition of the Directors and Administrators of the Hospital of the Poor by which they ask that liberty be granted to one Marie Haram, negress slave, as a recompense of the good services rendered to the hospital, by virtue of the power given us by His Majesty, have granted and confirmed by these presents and do grant and confirm the freedom granted to the said Marie Haram, negress, that she may enjoy the privileges of persons born free, in testimony of which we have signed this present and had it countersigned by our secretaries and affixed our arms as seal.

At New Orleans, March 10, 1744.

Signed: "Vaudreuil,"

"Olivier de Venzin."

"Salmon,"

"By my said Sieur
Dralealle." (apparently.)

Sealed by the seals of de Vaudreuil and Salmon, which are still in perfect state of preservation.

Original Text:

1744. 6 Mars.

L'hopital des pauvres a accorde la liberte a marie haran.

(23780) (3785) fo 25)

A Messieurs De Vaudreuil gouverneur de la province de la Louisianne,
Et de Salmon Commissaire Ordonnateur au dit pays:

Les Directeurs et administrateurs Spirituel Et temporel de
L'hopital des pauvres de la Charité ont L'honneur de Vous représenter

qu'en Lannée 1737. Le Nommée françois tiocou Negre affranchy Sengage á pour servir pendant Environ sept années Lhopital de la Charité sans aucuns salaries aux conditions d'accorder a marie aram sa femme, Negresse Esclave son affranchissement en la luy Remettant, ce qui fut accepté par les dits directeurs par acte passé pardt Notaire le 10 Juiliet 1737.

Et comme ledit tiocou et Marie haram sa femme ont travaillé et servy bien Et fidellemt Lhopital pendant Le temps porté par Ledt Engagement et quil Est dela justice d'accorder La liberté Et Laffranchissemnd a lade marie haram, Les directeurs et administrateurs soubsignés Vous Suplient tres humblement Messieurs de Vouloir bien Confirmer et accorder Laffranchissemnd alade marie aram Negresse femme de françois tiocou, pour a . . . L'avenir Estre Libre comme sont les sujets de sa majeste En france, Le dessein du mary et de la femme Etant de servir L'hopital et d'y Rester tant que, sera content d'eux, a la Nouvelle Orleans ce 6e mars 1744.

F. Charles *capuchin Supr cure.*

Raguet.

Nous Gouverneur et Commissaire de la Marine ordonnateur de la province de la Louisianne Veu larequeste Cydesssus des directeurs et Administrateurs de lhopital des pauvres parla quelle ils demandent quela liberté soit accordée ala Nommée Marie Aram Negresse esclave enrecompense des bons services qu'elle arendu and hopital, Avons envрту du pouvoir a nous donné par Sa Majeste, accorde et Confirmé et per ces présentes Accordons er Confirmons lliberte alad. Nee. Marie Aram Negresse pourjouir par elle des avantages des personne Nées libres, entemoin de quoy nous avons Signé leprésent, fait Contresigner parnos Secretaires et Aposer le Cachet denos Armes.

A la Nlle Orleans Le dix Mars 1744.

Vaudreuil

Salmon

Par monsieur Olivier Devezin

Parmond. Sieur Dralealle.

(Seals of de Vaudreuil and Salmon affixed.)



CABILDO ARCHIVES

French Period

VII.

Edited by Henry P. Dart

The First Charity Hospital for the Poor of New Orleans

Translation by Heloise H. Cruzat

It is said the first donation for a hospital for the poor of New Orleans was given by Jean Louis, a sailor who had settled in New Orleans and there conducted his business of boat building, on Orleans street near Bourbon, according to the census of 1732.

The olographic will conveying this donation is here reproduced with the probate thereof and also the contract later made for the construction of the Hospital and an excerpt from a memorial written to the Minister in France by Bienville and Salmon jointly.

This hospital was situated on the west side of N. Rampart street between St. Peter and Toulouse streets, on a tract of land which was formerly owned by Kolly, on which there was a house which the Ursuline sisters had once occupied. This first charity hospital for the poor was destroyed by the hurricane which devastated New Orleans in 1779. It was rebuilt a few years later by Don Andres Almonester y Roxas, at his own expense. The first hospital was named St. John and the second was called San Carlos in honor of the King of Spain. This second hospital cost Almonester 114,000 piastres (pesos) and he endowed it with a revenue of 1,500 piastres per annum. His Catholic Majesty to show his appreciation conferred on him the right to name the administrator, which right was to be transmitted to his heirs. His only heir Micaela Almonester Baronness de Pontalba renounced this right at the time of her marriage on account of her leaving this country, about 1811. Almonester quarreled with Carondelet who assumed to himself the right to name the administrator of this second hospital and Almonester, notwithstanding that same had been conferred on the latter, threatened to withhold the revenue and to stop all work on the church. Besides

the King's Hospital and the Charity Hospital for the Poor there was also an isolation hospital for cases of smallpox.

In the Superior Council records we often find fines imposed on delinquents "available to smallpox hospital." The King's Hospital, in 1737 was situated Rue du Quai (now Decatur Street, in charge of Doctor Prat, with three assistants (infirmiers), a gardener, a washer-woman, two negroes and two negresses.

Olographic Will of Jean Louis, 1735

Olographic Testament Written by My Hand

In the name of the Father, and of the Son, and of the Holy Ghost, Amen.

Nothing being more certain than death and nothing more uncertain than its hour, being stricken with a dangerous bodily malady, but sane of mind, I desire to settle my affairs, explaining how I intend that my last will be carried out by my testamentary executor who will be named hereafter, without anyone being able to contravene, being of age, having neither father nor mother, one having died in my childhood and my mother thirteen years ago; besides what I possess I have earned in this country irreproachably.

As to what may come to me from France of any nature whatsoever, I set in order before leaving and willed it where I should.

I recommend my soul to God the Father, Son and Holy Ghost, to the Holy Virgin, to my angel guardian, to all the Saints of Paradise, particularly to my holy patrons, praying them to receive my soul amongst the Blessed when it shall pass from this world to the other, Amen.

I give my (soul)¹ to God, my body to the earth, asking my Executor to have me buried simply. Before my funeral a high mass will be said during which, if there are priests, others will be said. During one year, on every first Monday of the Month, there will be a service for my intention in the parochial church and fifty low masses said.

Item—I beg those whom I have offended in any way whatever to be willing to forgive me as I forgive. I desire that my notes or debts, if any are found, be acquitted and paid preferably to anything else.

Item—I give to the parochial church for some ornament or embellishment which my executor will be kind enough to have made, such as a large crucifix or something else at his will, two hundred

¹Missing in text and supplied.

livres to be used by him for that purpose according to the most pressing needs.

Item—I give to the poor of this city who are ashamed to beg two hundred livres and one hundred livres to procure clothes for the most needy orphans, at my executor's pleasure.

My debts having been paid and the above provisions having been executed, a sale shall be made of all that remains, which, together with my small lot, I bequeath to serve in perpetuity to the founding of a hospital for the sick of the city of New Orleans, without anyone being able to change my purpose, and to secure the things necessary to succor the sick.

I will and direct that the said sale be made by my testamentary executor, whom I name as director and inspector of said foundation, during his life, and in case of his death or of his removal from the colony he will, at his choice, name a person to execute my wishes.

I beg the Curé of the parish to kindly work with my testamentary executor for the establishment of the said hospital and the execution of my will.

This present will, written by my hand, in full possession of my faculties and judgment, revoking all wills and codicils that I may heretofore have made, the same to be null, willing and intending that this present be executed according to its form and tenor, and this rather increased than diminished, referring it to my testamentary executor's good will, and to execute all that is herein contained I pray and name Monsieur Raguette, Councillor of the Superior Council of this province, to kindly take it in charge and act thereon as if it were his own, without being obliged to render an account to any one whomsoever, nor shall any officer of justice take cognizance of it, trusting entirely in his probity and faithfulness.

At New Orleans, this sixteenth of November, one thousand seven hundred and thirty-five.

Signed: "Jean Louis."

Probate of Jean Louis' Will

1736. Will of Jean Louis.

In the year one thousand seven hundred and thirty-six, on the twenty-first day of January, at one o'clock in the afternoon, we, Edme Gatien de Salmon, Commissary of the Marine, Intendant (ordonnateur), and First Judge of the Superior Council of the province of Louisiana, in the presence of the Attorney General of the King and of M. Bizoton and Raguet have opened the olographic will

made, written and signed by Jean Louis, inhabitant of Louisiana, deceased at New Orleans, this day at noon, beginning with these words: "In the name of the Father, the Son and the Holy Ghost, Amen. Nothing being more certain than death, etc., and ending in these other words: "and to execute and accomplish all that is herein contained, I pray and name M. Raguét, councillor of the Superior Council, to kindly take charge of it and act thereon as with his own, without being obliged to render an account to any one whomsoever, nor shall any officer of the Court take cognizance of it, trusting entirely in his probity and fidelity.

"At New Orleans, this sixteenth day of November; one thousand seven hundred and thirty-five. Signed: Jean Louis."

And after having read the testament, considering that it was made in duplicate, one was deposited in the Registry to serve as may appertain and the other was remitted to Sieur Raguét, who voluntarily accepted the charge and promised to have it executed with all possible exactitude, of all of which we have had the present proces verbal drawn up by our Clerk of Court, and the above named gentlemen have signed it with us the day and year mentioned.

Signed: "Salmon." "Fleuriau." "Henry." "Bizoton."
"Raguét."

**Contract for Building the Hospital of the Poor,
Passed Between Sr. Joseph Villars Dubreuil
and Sieur Raguét.**

1736. June 10. (1807).

Translation.

Before the notary royal of the province of Louisiana and the hereafter named and undersigned witnesses, personally appeared Sieur Joseph Villars Dubreuil, contractor for His Majesty's works, residing in New Orleans, who has acknowledged and admitted that he has voluntarily made an agreement with M. Raguét as director and administrator of the said hospital for the poor of the city, called the St. John, founded by Jean Louis, deceased resident of the city of New Orleans, with the advice and consent of Rev. P. Philippe, priest and superior of the R. R. Capuchin Fathers of the province, Asst. Vicar of His Grace of Quebec, also present here, and to carry out the will of the said deceased Jean Louis, after deliberation made in presence of M. de Salmon, on the twenty-ninth of March, one thousand seven hundred and thirty-six, deciding that there would be built,

when M. Raguet pleases, a hall and buildings suitable to the accommodation of the poor, as the house in which they are lodged is too small. Wherefore the said Sieur Du Breuil promises, obligates and binds himself by these presents to have built, constructed and erected on the site of the said hospital a hall measuring forty-five feet in length by twenty-five in breadth and fourteen in height, including the foundations, the whole in walls of well conditioned bricks, subject to supervision conformably to plan and payment now made, which he promises to construct for the price and sum of two hundred livres per cubic fathom,¹ full or empty, and the other requisites, such as lumber, planks, coverings, iron work and entire building at the same price as these are furnished to His Majesty in this country. The said work will be begun as soon as possible, the sum of three thousand livres having been presently given and delivered to Sr. Dubreuil by Sr. Raguet in specie as payment on account, for which this present serves as a receipt, it being agreed that payments will be made as the work progresses, for security of which the said Sr. Dubreuil has hypothecated all that he now possesses and also what may come to him hereafter, promising, renouncing, each in good faith. Done and passed in New Orleans, before noon, in the year one thousand seven hundred and thirty-six, on the tenth of June, in presence of Sieurs Augustin Chantalou and Laurent Roumier who have previously signed as first witnesses and have signed with the said parties.

Signed at the moment these presents: "Roumier," "Raguet," "Du Breuil," Chantalou," "Henry."

Notes From Margry on the Hospital

The following references to the subject of the first hospital for the poor have been compiled by us from the memorial signed jointly by Bienville and Salmon, addressed to the Minister in France on date of May 20, 1737, contained in Margry's "Compilation of the first years of Louisiana." (MS. in Louisiana Historical Society Archives.)

"One Jean Louis, formerly a sailor in the employ of the Company of the Indies, and who had a small business, died last year. Being a bachelor without children, he leaves, by olographic will, all that he possesses to found a hospital. All debts paid, his estate will amount to 10,000 livres cash.

"With the approval of the Curé and of the testamentary executor of his will, MM. de Bienville and Salmon have purchased Mrs. de Kolly's house, situated on a large tract at the extremity of the city,

and formerly occupied by the nuns, then they bought beds, clothing and utensils necessary for the hospital, and after these expenses were paid there remained 5,000 livres which, with the succor which will be furnished by the inhabitants, will be employed in building a large brick hall to shelter the sick hereafter, as the house, which is on the ground, cannot last much longer.

"There are now five patients there.

MM. de Bienville and Salmon continue:

"By this means there will be no more mendicants. They will all be interned there and put to some work suited to their abilities. This will even help to diminish their number for most of those who beg and who will be shut up here will prefer to work than to lose their liberty.

"The beginning of this establishment will encourage the inhabitants to join and furnish the material and days of labor to finish the solid buildings which will be a necessity when the old house will no longer be there. At the same time it will relieve the King's hospital which was often obliged to receive the poor inhabitants who without this help would have perished from want."

In the year 1738 Sr. Prat, who was the physician in charge of the hospital, asks the King to carry out the promise made to him to build him a lodging which will be within reach of the sick and which will enable him to have the work begun on the garden which he has long had in contemplation.

He speaks of the increasing importance of the hospital to New Orleans and also requests a brevet as a Doctor here maintained at a salary of 2,000 livres, recalling to the Minister that a lodging has always been furnished to the Doctor in this country. He mentions that by his position he is honored with the right to sit in the Superior Council, and that, as councillor he is entitled to a salary of 400 livres; he thinks that his requests are justified by the fact that he derives no profit from the inhabitants who are accustomed to receive medical service free of charge and that he has no other source of revenue than what he can obtain from His Majesty's bounty.

The First Charity Hospital for the Poor in New Orleans

Testament olographe Ecrit de ma main.

(5498)

Original Text:

Rien n'étant plus certain que la mort Et rien de plus incertain
que L'heure dicelle, me voyant accable d'une maladie dangereuse

de corps, Etant Sain d'esprit je suis bien aise de mettre ordre a mes affaires, Expliquant mes dernieres volontes comme jeveux quels soient executes par mon Executeur testamentaire. Lequel Sera nomme cy apres, Sans que personne puisse y contrevénir, Etant en age de majorite, n'ayant ny pere ny mere, Luy Etant mort des mon bas age Et ma mere il y a treize ans, outre que ce que jay, je L'ay gagne dans ce pais sans aucun reproche.

Pur ce qui me peut revenir de france de tel nature qu'il soit avant de partir J'y ay mis ordre Et Lay Laisse ou Jay deu faire.

Je recommande mon ame adieu pere, fils Et St. Esprit, a la Ste Vierge Marie a mon ange gardien a tous les Sts et Saintes du paradis, particulierement a mes Sts patrons, Les priant que Lorsque mon ame passera de cette vie En Lautre, La recovoir au nombre des bien heureux ainsi soit il.

Je donne mon (ame)¹ a dieu mon corps a la terre, priant mon Executeur de me faire enterrer modestement, avant mon enterrement il sera dit une grande messe, pendant Laquelle Si il ya des pretres on en dira de basse pendant un an tous les premiers lundys du mois, il sera fait un service a mon intention dans Leglise paroissiale, Et dit cinquante messe basse.

Item—Je prie ceux que jay pu offenser de detelle maniere que ce puisse de me vouloir pardonner comme pardonne. Jeveux que mes billets ou destes Si il Sentrouve Soient acquittes, et payes preferablement a toute autre chose.

Item—Je donne a Leglise paroissiale pour quelque ornement ou Embellissement que mon Executeur voudra bien faire faire, comme un grand crucifix—ou autre chose a sa volonte; deux cents Livres qui Seront par Luy employes a cet effet Suivant Les besoins Les plus pressants.

Item—Je donne aux pauvres honteux de la ville deux cents Livres et cent Livres pour avoir quelque Lordres aux orphlins les plus necessiteux—a la volonte de mon Executeur.

Après mes deptes payes Et que ce qui cy devant marque Sera Execute L'on fera une vente de ce quil yaura, Lequel je Laisse avec mon petit terrain, pour servir a perpetuite de fondement d'hospital pour les malades de la ville de la nouvelle Orleans, Sans que L'on puisse changer ma destination, Et pour avoir Les choses necessaires pour Secourir Les malades.

Je veux et entend que La dite vente Soit faite par mon Executeur testamentaire, auquel je Laisse L'inspection Et La direction de la ditte, fondation, pendant Savie durante, Et au cas qu'il vienne a

mourirou changer de la colomnie, il nommera une personne a Son choix pour Executer mes volontés.

Je prie monsieur Le curé de la paroisse de vouloir bien travailler avec mon Executeur testamentaire pour Letablissement du dit hopital, Et execution demes volontes.

Le present testament Ecrit de mamain, En pleine connaissance, Et bon jugement, revoquant tous les testaments ou codicils que je pourois cy devant avoir fait, les quels demeurent nuls, voulant et entendant que Le present Soit execute Selon Sa forme et teneur, Et y celuy plutost augmente que diminue, M'en rapportant sur cela a la bonne volonte de mon executeur testamentaire, Et pour Executer Et accomplir tout Le contenu, jespere Et nomme monsieur Raguette, conseiller au conseil superieur de cette province de vouloir bien S'en charger, pour En faire comme de chose a Luy appartenant, Sans, qu'il soit oblige den rendre compte a qui que ce soit, ny qu' aucune personne de justice En prenne connoissance m'en rapportant a sa probite Et fidelite, a la Nouvelle Orleans ce Seissiene novembre mil Sebt cents trente cinq. Jean-Louis.

Probate of Jean Louis' Will

1736. 21 Janvr. testament jean Louis

(5497) (1738) fo. 1.

Original Text:

L'an mil sept cent trente six le vingt un janvier une heure apres midy Monsieur Edme Gatien de Salmon Commissaire de la Marine ordonnateur et premier juge au Conel Superieur de la Province de la Louisianne auroit fait en presence du procureur general du Roy et de M. Bizoton et Raguet Louverture dun testament olographe fait Ecrit et signe de la main de Jean Louis habitant de la Louisianne et decede a la Nlle Orleans Ce jourdhuy a lheure de midy Comman-cant par ces mots, Au nom du Pere, du fils et du St. Esprit ainsi soit il Rien nstant plus certain que La mort, etc. et finissant par Ces autres mots, Et pour Executer et accomplir tout le Contenu Je prie et Nomme Monsieur Raguet Conr. au Conseil Superieur de vouloir bien sen charger pour en faire Comme de chose a luy appartenant sans estre oblige den rendre Compte a qui que ce soit ny quaucune personne de justice en prenne Connoissance men Rapportant asa probite et fidelite. A la Nlle. Orleans ce seizieme Novembre Mil sept cent trente cinq Signe Jean Louis. Et apres avoir fait lecture et attendu que led testament a été fait en duplicata Il en a

été depose un au greffe pour servir a qui il appartiendra et Lautre remis au dit Sr. Raguet lequel sen est volontairement charge et a promis Le faire Executer avec toute lExactitude possible dont et de quoy nous avons fait dresser le present proces verbal par notre greffier dont acte et ont les dits Sieurs susnommes signes avec nous ces presentes.

A la Nlle. Orleans Le jour et and que dessus.

Salmon, Fleuriau, Bizoton, Raguet, Henry.

**Contract Passed Between Raguet and Joseph Villars Dubreuil,
Architect and Master Builder of the Charity Hospital
of the Poor in New Orleans, 1736.**

1736. 10 juin Raguet obligation a Lhopital

Original Text:

Pardevant le Notaire Royal En La Province de La Louisianne Et Les Temoins cy apres Nommes Et soussignes fut present en sa personne Sieur Joseph Villars Dubreuil Entrepreneur des travaux de Sa Majeste demurant a la Nouvelle Orleans Lequel a Volontairement Reconnu Et Confessé avoir fait marché avec Mr. Raguet au nom Et Comme Directeur Et administrateur de Lhopital des pauvres de ville appellé le St. Jean fondé par deffunt Jean Louis habitant de la ditte ville de la Nouvelle Orleans, de Lavis et Consentement du R. P. Phillippe pretre Et Superieur des R. R. P. P. Capucins de la Province et provicaire de Modseigneur De Quebec aussi Cy present Et pour Satisfaire aux volontés dudit deffunt Jean Louis Et a la deliberation faite en presence de Mr. de Salmon le Vingt neuf mars mil sept cent trente six portant quil sera a la diligence dudit Sr. Raguet Baty une Salle et Batiments propres aux Logements des pauvres attendu que la maison ou ils sont Logés est trop petite c'est pourquoy le Sieur Du Breuil promet s'oblige et S'engage par ces presentes a faire batir construire Et edifier sur Le terrain dudit hopital une salle Quarante cinq pieds de long Sur Vingt cinq de Large quatorze pieds de hauteur y Combris les fondements. Le tout demur de Briques bien Conditionnes Et sujet a Visite conformement au plan et denier Cy joint quil promet faire Executer pour Le prix Et somme De Deux Cent Livres La toise Cube tant plein que Vide, Et les autres fournitures Comme Bois, plancher, Couvertures ferrures, Et facon du tout au prix quil fournit ces sortes de Chose a Sa Majeste dans les Entreprises quil a faites En ce pays Le dt Ouvrages se Commencera Le plutost quil Sera possible Sur lequel a été presentement donne.

Et delivre audt Sieur Du Breuil par ledt Sieur Raguet La Somme de trois Mil Livres En especes Sonnantes accompte dont le present Sert de quittance Et a été Convenu quil seroit paye a Mesure que Louvrage avancera pour seurete de quoy Ledt Sieur Du Breuil a oblige et hypothèque tous ses biens presents et advenir promet, renont, chacun en foy fait Et passe a La Nouvelle Orleans avant midy Lan Mil sept cent trente six Le dixieme juin¹ presence des Strs. Augustin Chantalou Et Laurent Roumier, prealmnt temoins² cy demdr audt lieu qui ont Signes, en la Minutte des presentes.

Roumieri, Raguet, Du Breuil, Chantalou Henry.i

¹Omitted in Text and supplied.



CABILDO ARCHIVES

French Period

VIII.

Edited by Henry P. Dart

Two Nuncupative Wills

1745-1747

We present herewith two nuncupative wills which we think will interest the student of comparative law in Louisiana and particularly interest lawyers generally because of the similarity between the forms of these instruments and those now in use.

Will No. 2

Nuncupative Will of Charles Hegron, Surnamed Lamothe

1745. Charles Hegron, surnamed Lamothe

Testament.

Translation by Heloise H. Cruzat

Before us, undersigned, Frere Dagobert, priest, missionary, Capuchin, acting as curé of this parish of St. Louis of New Orleans, province of Louisiana, diocese of Quebec, was present Charles Hegron, surnamed La Motte, farmer from the lower end of the Pascagoulas river, native of the city of Quebec, being sick in bed, but sane of mind and understanding, as was apparent to me and to those who witnessed the present act, who, knowing that the hour of death is uncertain, and not wishing to be taken without having disposed of the goods it has pleased God to grant him, declared that he wanted to make his will, without suggestion from any one, and of his own volition dictated to us and mentioned the following articles:

As a good Christian, desiring to live and die in the union of the Catholic Church, first, he recommends his soul, when it will have been separated from his body, to the very holy and adorable Trinity, Father, Son and Holy Ghost; he implores the intercession of the glorious Virgin Mary, of St. Charles, his patron, and of all the saints, whom he begs to be his intercessors before God to obtain from Him

the remission of his sins through the merits of the death and passion of Jesus Christ, his Son, Our Savior and mediator.

Secondly—When it shall have pleased God to recall his soul from this world, he wills and orders that his body be interred in the cemetery of this parish, and that on the day of his death, or on the following day, a service be held and celebrated with vigils and commendations.

The said testator leaves and bequeaths to Françoise, an Indian woman, his legitimate wife, half of all he possesses, as they acquired it together, intending that the other half be divided between his two children, the issue of his legitimate marriage, deducting from the said half, however, a negress and six breed cows that his eldest daughter received, and which he gave her when she married. The said testator wills and directs that Charle, his minor son, take as much before the division.

Thirdly—He orders that before anything else is paid, the sum of one hundred and forty-two livres and ten sols be paid to Sr. Durante for value received from him.

That the present will be executed in its form and tenor is the last wish of the testator, who declares any wills or testaments made previously to this one to be null and hereby revoked; which present will as dictated and mentioned to me I read and reread plainly and intelligibly to the said testator who declared that he thus willed, in the presence of Sieurs Avignon, Tarascon, Dupres, and Durante, witnesses, who have all signed with me and the said testator, on the eighteenth of March, in the year one thousand seven hundred and forty-five, in the house of Sr. Justin Vuelan.

Signed: "Charleegron," "DuPrey", "Avignon," "Tarascon," "Dupabay." "F. Dagobert, missy. acting as curé."

Nuncupative Will of Charles Hegron, Surnamed Lamothe

Mars 18. Charles Hegron dit Lamothe,

Testament.

Original Text:

Par devant nous frere Dagobert prestre missionnaire capucin faisant fonction de curé de la paroisse de St. Louis de la nouvelle Orleans province de La Louisianne diocese de Quebec Soussigné fut present Charle Hegron dit La Motte habitant du bas de la riviere des Pascagoulas natif de la ville de Quebec etant au lit malade Sain neanmoins desprit et dentendement come il mest aparu et aux

temoins qui ont assisté au présent acte lequel connoissant que Lheure de La mort est incertaine et ne voulant pas en estre prévenu sans disposer des biens quil a plu a dieu de Luy accorder nous a déclare quil vouloit faire Son testament et Sans Suggestion de personne mais de son propre mouvement nous a dicte et nomme Les articles Suivants.

Come bon chretien desirant vivre et mourir dans Lunion de Leglise catholique il recommande en premier Lieu Son ame Lorsquelle Sera Separée de Son corps a La tres Sainte et adorable trinite Le pere Le fils et Le Saint esprit implore Lintercession de la glorieuse Vierge Marie celle se St. Charle son patron et de tous Les saints quil prie estre Ses intercesseurs aupres de dieu pour obtenir de Luy La remission de Ses péches par Les merites de La mort et passion de Jesus Christ Son fils notre Sauveur et médiateur.

En second Lieu quand il aura plu a dieu de retirer Son ame de ce monde veut et ordonne que Son corps Soit inhumé au cimetiere de cette paroisse et que Le jour de Sa mort ou Le lendemain il soit dit et célébré un Service vigiles et recommandises.

Le dit testateur Laisse et Legue a franchoise indienne sa femme et Legitime epouse La moitié de tout son bien come Layant acquis ensemble pretendant que Lautre moitié Sera partage entre deux enfans de Luy—provenant de Son Legitime mariage Sauve a deDuire Sur la ditte moitié Une negresse et six meres vaches que sa fille ainee a reçu et quil Luy a donne Lorsquelle Sest marie Le dit testateur pretend et entend que Charle Son fils mineur prendra autant avant que dentrer dans aucun partage.

En troisieme Lieu il ordonne quavant toutes choses Soit paye au Sieur durante La somme de cent quarante deux Livres dix sols quil reconnoit Luy devoir pour valeur reçu de Luy.

Et pour executer le contenu du present testament Selon Sa forme et teneur telle est La derniere volonte du testateur qui déclare nul et révoque tous autres testaments ou dispositions quil auroit fait auparavant lequel présent testament ainsy a moy dicté et nomme Jay Lu et relu clairement et intelligiblement au dit testateur qui a déclare quil a ainsy voulu et entendu en presence des Sieurs Avignon tarascon dupres et durante temoins qui ont tous signes avec moy et Le dit testateur Le dix huit du mois de mars de Lannée mil sept cent quarante cinq en la maison du Sieur justin vuelan.

charlegron JDuPrey avignon Tarascon dupabay
f dagobert capucin miss faisant fonction de curé.

Will No. 3.

Nuncupative Will of Vignon, So-called LaCombe

1747. August 16. Vignon, so-called Lacombe Will

Translation:

In the year one thousand seven hundred and forty-seven, on the sixteenth day of August, at two o'clock in the afternoon, on request of Claude Vignon, so-called La Combe, we, notary Royal in the province of Louisiana, went to the house of Sieur Vautier, situated on Royal street, where we found the said Sieur La Combe, lying in his bed, who said and declared to us that, being certain of death and uncertain of its hour, he desired to settle his temporal affairs, being sick of body, but sound in mind, memory and understanding, as it appeared to us.

After having recommended his soul to God and to his holy patron St. Claude whom he prays to intercede for him with his Divine Majesty, he wills and directs that in case of decease his body be interred among the faithful Christians professing the Catholic, Apostolic and Roman religion. This that he has dictated and all that follows is his last will and testament.

First—He gives and bequeaths to the R. R. P. P. Capuchins of this parish the sum of fifty livres for the expenses of his funeral and interment and to have prayers said for him when paid.

Item—He said and declared that he has a negress named Mariane, one of her children named Joseph and another named Pierre, all of whom are free, that being satisfied with the services which he has received from them he wills and directs that one hundred piastres be paid to each of them, viz: one hundred to the said Mariane and one hundred to each of the said two children, amounting in all to three hundred piastres which he wills and directs to be paid to them in gratification at one time.

He said and declared to us that the said negroes and negresses have a certain number of cattle, such as oxen, calves, cows and heifers; that with the exception of five cows, three calves and two pairs of oxen belonging to him, the remaining cattle belong to the said Mariane and to the above named Joseph and Pierre. He prays that his testamentary executor, hereafter named abandon them as the product of gifts previously made to them, thereby leaving him only five mother cows, three calves and two pairs of oxen which he bequeaths to his universal legatee, as property belonging to him.

Item—He wills and directs that after his debts are paid, if any be found, the residue of the property which he acquired in this colony, being personally acquired property, having no relative nor female follower in this province, be turned over to Sieur Michel Brosset, whom he declared to us, named and renamed, not only as his testamentary executor but moreover as his universal legatee, and this, for the good and agreeable services he received from him, breaking and annulling by these presents all wills, codicils or donations that he may have made heretofore for the property owned by him in this colony, willing and intending only this present will to subsist, which having been read and re-read in the presence of Sieur Jacques Cantrelle and Jean Cariton, and which he declared to have heard and understood, and that these are his last wishes, repeating that he had heard and understood, and that there was naught to change nor to add to it and has signed with above named witnesses.

Signed: "Vignon La Combe."

"Cantrelle." "Cariton." "Henry."

1747. 16 Aout Vigpon dit Lacombe Testament.

Original Text:

Lan Mil Sept Cent quarante Sept le Seizieme Jour daoust deux heures de Relevee a la Requisition de Claude Vignon de La Combe Nous Noré Royal En la province de la Louisianne nous Sommes transportes dans la Maison du Sieur Vautier situee rue Royale ou Etant nous avons trouve le de Sr. La Combe Gissant dans son lit Lequel Nous a dit et declare quetant Certain de la mort Et Incertain de Lheure dicelle desirait mettre ordre a ses affaires temporelles Etant malade de crops mais sain de tous ses sens memoire et Entendement ainsy quil nous Est aparue apres avoir Recommandé son ame adieu Eta son Bon patron St. Claude quil prie de Vouloir Interceder pour Luy aupres de sa divine Majeste Veut et Entend quen Cas de decédé son Corps Etre Inhumé au rang des fidelles Chretiens comme faisant profession de Religion Catholique apostolique et Romaine Ce quil nous a dit et déclaré de sa propre bouche Et tout ce qui sen suit par forme de testament et ordonnance de derniere Volonte:

Premierement nous a dit et déclaré donner au R. R. P. P. Capucins de Cette paroisse La Somme de Cent Cinquante Livres qui Serviront tant pour les frais funeraires Enterrement que pour faire prier dieu pour Luy une fois payee.

Item—Nous a dit et declare quil a une Negresse Nommee Mariane un de ses enfants nomme Joseph Et un autre Nomme Pierre tous Lesquels sont Libres, que Comme Etant Content des services quil a Recu deux. Il Veut Et Entend quil leur soit paye a Chacun Cent piastres Scavoir Cent piastres alad Mariane Et Cent piastres a Chacun des deux Enfants faisant en tout trois Cent piastres quil Veut Et Entend quil leur soit payé pour forme de Gratification une fois.

Item—Nous a dit et declare que les Negres et Negresses ont une Certaine quantite de Bestiaux tant Boeufs Veaux Vaches Et Genisses qua la Reserve de cinq vaches trois Veaux et deux paires de Boeufs qui Luy appartiennent a Luy le Reste des bestiaux appartiennent a lad Mariane et ad Joseph et Pierre susnommes quil prie son executeur testamentaire Cy apres nommé Leur Laisse Comme provenant des Ecroys quil ont Eu provenant de quelques dons qui Leur ont été faits auparavant, au moyen de quoy Il ne Luy Reste de Bestiaux que les cinq Meres Vaches trois Veaux Et deux paires de Boeufs Lesquels Il a Laisse a son legataire universal Comme un Bien a Luy appartenant.

Item—Veut Et Entend quapres ses dettes payees sy aucunes sen trouvent tout le Reste de ses Biens quil a acquis En Cette Colonie Comme Biens dacquet Nayant ny parents ny Suivante En Cette province soit et appartient a Sr. Michel Brosset quil Nous a dit Nomme et Renommé non seulement pour son executeur testamentaire Mais Encore pour son Legataire universal et Ce pour les Bons Et agreables services quil a Recu de Luy depuis quil Est En Cette Colonie Croyant ne pouvoir mieux reconnoitre les services quil a Recu de Luy que par cette Voye, Cassant et annulant par Ces presentes tous testaments, Codiciles ou donations quil pourroit avoir faits de cy devant pour les Biens quil a En cette Colonie Seulement Voulant et Entendant quil Ny ait que le present qui subsiste Lequel Luy ayant été lu et relu en la presence de Sr. Jacques Cantrelle et Jean Cariton—a dit les Bien Entendre Et que ce sont ses dernieres Volontes le quel adit Et repete Le Bien Entendre et Comprendre Et quil na Rien a y augmenter ny diminuer Et a signe avec les temoins Cy dessus Nommes.

Vignon La Combe, Cantrelle, Cariton, Henry gfr.

THE CONSTITUTIONS OF LOUISIANA WITH SOME OBSERVATIONS ON THE CONSTITUTIONAL CONVENTION OF 1921

Paper read before The Louisiana Historical Society

by W. O. Hart

on January 25th, 1921

Louisiana has had eight Constitutions.

The Constitution of 1812, under which the State was admitted into the Union, was adopted in convention held at New Orleans, January 2, 1812, and was modeled after the Constitution of the United States, in that it was divided into articles and the articles into sections, numbered separately in each article instead of being numbered consecutively, as has been the case in all subsequent Constitutions. This Constitution consisted of seven articles and a schedule, and a total of one hundred sections, and covers in its entirety, including the signatures of the members thereof, fourteen printed octavo pages. There is no special provision in this Constitution regarding taxation or the imposition of licenses, the members no doubt considering that the power to tax was inherent in the Government, and needed no constitutional warrant.

This Constitution remained in force for thirty-three years, the Constitution of 1845 having been adopted in convention on May 14th of that year. It is said that the convention which framed this Constitution was called in order to have a new set of officials throughout the State and it directed a new election soon after the Constitution had been adopted by the people. This Constitution contained 153 articles and covers 22 printed octavo pages. The Convention which framed this Constitution met in accordance with the Act of the General Assembly in Jackson on August 5th, 1844, and on the 24th adjourned to meet in New Orleans on January 14th, 1845, remaining in session there until May 14th, when the Constitution was adopted.

This Constitution, however, was not satisfactory to the people, and another was adopted in convention assembled at Baton Rouge, then the capital of the State, on July 31st, 1852. Although this Constitution has 155 articles, two more than the Constitution

of 1845, it occupies one printed page less, being contained in 21 pages of an octavo volume.

The next Constitution of the State was adopted in Convention at New Orleans on July 23rd, 1864, during the war between the States, and delegates were present in the convention only from that part of the State which was under the control of the Federal authorities. This Constitution also contained 155 articles and occupied nearly 23 printed pages of an octavo volume.

Owing to the unsettled affairs of the State, by reason of the war and reconstruction, not much attention was paid to this Constitution, and the Constitution of 1868 was adopted at convention held in the City of New Orleans, March 11th, 1868; in this Constitution the number of articles is 161 and it covers 26 printed pages of an octavo volume.

This Constitution remained in force until the people of the State again came into control of its governmental affairs, and the Constitution of 1879 was adopted by convention assembled in New Orleans, July 23rd, 1879, and so far as length and number of subjects treated of was concerned, was a great advance on former Constitutions. The Constitution proper contained 268 articles, covered 64 printed pages, and, in addition thereto, there were separate ordinances adopted, "For the relief of delinquent taxpayers," providing for the "Indebtedness of the State to its fiscal agent," "Loan by the fiscal agent," and the "State debt;" these covering six more printed pages. When this Constitution was adopted, in discussing its great length and the amount of detail therein, the *New Orleans Times* facetiously remarked: "The members of the Convention evidently do not know the difference between a Constitution and By-Laws."

This Constitution continued until the Constitution of 1898 was adopted in convention held in the city of New Orleans that year ending May 12th. This Constitution was not submitted to a vote of the people, but it was called under an act of the Legislature which was voted upon by the people, who, in so voting, agreed that the convention might declare the Constitution adopted without referring it back again to the people. Owing to the many conflicting interests represented in this convention, and the effort to satisfy all, the Constitution contains 326 articles and occupied 123 pages of a printed octavo volume. Besides this, there were three special ordinances: "Postponing the Session of the General Assembly," covering "Loan to defray the expenses of the convention," and authorizing "Loan for mobilization of troops." These were adopted during the session of the convention, respectively, on April 30, 1898, April 22, 1898 and

April 27, 1898, and were required by the exigencies of the occasion. It was found necessary to extend the session of the convention, and this necessitated a postponing of the legislative session. Sufficient funds had not been appropriated to meet the expense of the convention, and the coming on of the Spanish-American war required immediate action to put the Governor in funds so that the State might give its aid to the United States in the struggle.

It is a curious coincidence that the Constitutional Conventions of 1879 and 1898 were of the same duration, each having been in session for a term of ninety-four days.

The Constitutional Convention of 1913 met on November 10th, and completed its labors on November 22nd, and it was called principally to provide for the refunding of the State debt.

The Constitution of 1913 contains 326 articles, the same number as the Constitution of 1898, and occupies 126 printed pages, three more than the Constitution of 1898, this being caused principally by four long and new articles relating, respectively, to Juvenile Courts, Board of Commissioners for the Port of New Orleans, New Orleans Belt Railroad Bonds and the State Debt, the judicial provisions alone embracing 75 articles and covering 37 pages, being longer than the first two Constitutions of the State combined.

What was equivalent to a Constitutional Convention was the Secession Convention of 1861, called by Act of the General Assembly of Louisiana, adopted December 12, 1860, and which convened in the Hall of the House of Representatives in the State Capitol at Baton Rouge, on Wednesday, January 23, 1861, and on January 26, 1861, the ordinance of secession was adopted by a vote of 112 yeas to 17 nays, the yeas being increased after the vote had been announced by the vote of Alexander Mouton, the President, to 113. Upon the result of the vote being announced, the President of the Convention said:

"By virtue of the vote just announced, I now declare the connection between the State of Louisiana and the Federal Union dissolved, and that she is a free, sovereign and independent power." Thereupon the Convention adjourned to meet January 29th at the City Hall in New Orleans, where it continued in session until March 23rd, adopting as part of its work the Constitution of 1852, making such changes therein as were requisite and necessary to conform to the Constitution of the Confederate States of America.

On February 12, 1861, the flag of the independent State of Louisiana was adopted, and on the next day the Secession Convention proceeded in a body to Lafayette Square for the purpose of inau-

guring and saluting the "National Flag of Louisiana." The militia of the city was there drawn up, the flag run up the flagstaff of the City Hall, and at the same moment a salute of twenty-one guns of artillery was fired. The flag, (the ugliest ever made,) consisted of thirteen alternate stripes, four of blue, six of white and three of red, with a red field in the upper left-hand corner containing a single yellow-star—the idea being that the flag should represent the thirteen stripes of the Union dissolved, so far as Louisiana was concerned, the tri-color of France and the red and yellow of Spain, the two countries which in times past had exercised sovereignty over Louisiana.

So far as the records show, the only flag of this design was the one placed on the City Hall by the convention, and there it remained until Farragut entered the city. On April 29th, 1862, when, through some of his officers, he demanded the lowering of the flag, with which demand Mayor John T. Monroe refused to comply, he being represented in the negotiations by Mr. Pierre Soule, the eminent lawyer, orator and statesman. Finally, the Federal officer in command, with some of his own men, removed the flag and it was carried away by them, and the history of it ends at this point.

The act which called the Constitutional Convention of 1913 directed the Convention to frame a new Constitution for the State of Louisiana and in carrying out this mandate, the Convention made a few changes. Most of these changes, however, have been annulled by the Supreme Court. (*State of Louisiana vs. American Sugar Refining Co.* 137 La., 406; *Foley vs. Parish Democratic Committee*, 138th La., 220; *Hayne vs. Assessor*, 143rd La., 697; *Wunderlich vs. New Orleans Railway and Light Co.*, 145th La., 21; *In Re Perez*, 83 Sou. Rep. 657.)

Since the adoption of the Constitution of 1913, amendments have been proposed at every session of the General Assembly, 1914, 1916, 1918 and 1920, and most of these have been adopted, including seven on the 2nd of November last.

In a very interesting telegram from Oakdale, Louisiana, of date, November 1st, 1920, published in our newspapers, Mr. James A. Williams, in discussing the powers of Constitutional Conventions, is utterly at sea regarding the law of Louisiana as expounded by our Supreme Court.

While it is a general principle of law that a Constitutional Convention, when properly called, is not limited by the act of the Legislature calling it, there have been exceptions to this rule in various States, though in no State have the Courts gone as far as the Su-

preme Court of Louisiana in passing upon the Constitution of 1913. As far as other courts have gone, has been to hold that when a Constitution is adopted by a Convention under an act fixing certain limitations, such Constitution might be void if not accepted by the people, but it would not be void in one respect and valid in another, because the effect of such a holding would be to give a State two Constitutions, which is a legal absurdity.

The Constitution of 1913 before the Supreme Court passed upon it was recognized by the Governor and the General Assembly and was recognized by the Supreme Court in several cases, including the very well considered case of *Bloomfield vs. Thompson*, 133rd La. 209. The case of *State vs. Favre*, 51st Ann., quoted by Mr. Williams, in no wise helps his argument. The defendant in that case claimed that the Constitution of 1898 did not supersede the Constitution of 1879 because it was not a new Constitution, but simply an amendment to that of 1879, owing to the limitations in the act calling it. The Court in that case was very far from holding as stated in *Corpus Juris Civilis*: "Once assembled the convention is sovereign, is above the legislature and free from the control of the courts."

Writers of text books and digests, in quoting cases in support of the principles announced, do as often quote cases which have no application, as they quote cases which apply.

The Convention of 1913 was ordered to frame a new Constitution for the State of Louisiana and the members thereof thought, notwithstanding the limitations, they had a right in framing the Constitution to make it one harmonious whole, and no doubt certain changes and additions were necessary; the president of the Convention, former Justice Newton C. Blanchard, in one of his addresses gave it as his opinion that the Convention was sovereign.

The Supreme Court, however, thought differently, and in the cases above cited held that anything in the Constitution of 1913 which in the slightest degree infringed on the limitations of Act No. 1 of the extra session of 1913, was invalid.

The Supreme Court had previously, in a most elaborate opinion in the *Bloomfield* case above referred to, maintained that provision of the Constitution of 1913 giving to the Courts of Appeal jurisdiction on appeal of cases of which the District Courts had exclusive original jurisdiction, where no money amount was involved, but in the *Wunderlich* case, the Court of Appeal was prohibited from entertaining jurisdiction of such a case though the *Bloomfield* case was not referred to nor overruled. I might also say that in three applications for *certiorari* the Supreme Court refused the relief asked,

holding that the applicant had his remedy by appeal under the provision of the Constitution of 1913 held invalid in the Wunderlich case.

The effect of the decision in the Foley case and perhaps in some of the others is to give the State of Louisiana two Constitutions because the provision in the Constitution of 1913 providing when the assessors should be elected having been annulled, we must look to the Constitution of 1898 to find out when this must be done.

A new Constitution is an imperative necessity and the Convention which will meet on March 1st has the opportunity to write such a Constitution as will live for many years to come.

As Mr. M. J. Cunningham, a member of the Constitutional Convention of 1879, said in discussing the proposed convention of 1915, the call for which was defeated at the polls, "It is all very well to talk of a short Constitution, but wait until you come to write it." And so I am afraid it is going to be with the Convention of 1921. Most of the Constitutions recently adopted in this country have been rather long though none is equal in length to that of Louisiana. Too much detail appears in all Constitutions and even so conservative a body as the National Municipal League, of which Judge Charles R. Hughes, of New York, is now President, in preparing a paper for a model Constitution, has made the Legislative part thereof very verbose and complex when same could easily be provided for in one or two short articles, as I hope will be the case with our next Constitution.

Many recent Constitutional Conventions have submitted the result of their work to the people in the form of amendments so as not to expose an entire Constitution to rejection. At a special election held in Nebraska on September 21st, 1920, forty-one amendments were voted for and all were adopted, but as showing how little interest was taken in the election, less than one-seventh of the total electorate voted thereon and one-third of these were women. The method of amendment in the present Constitution of Louisiana is too easy and future amendments should require, as in Mississippi, an affirmative vote of a majority of those voting for the first officer on the ticket or if not a majority, at least a considerable number. Nebraska has just adopted such a provision requiring thirty-five percent for such a vote. Since 1898 about one hundred and fifty Amendments to the Constitutions have been submitted to the people of this State and most of them have been adopted.

Whether the new constitution should be submitted to the people or not is a subject well worthy of careful consideration; but in

any event the taxation provisions thereof should be so submitted. I do not agree with some eminent members of the Bar of Louisiana who think that taxation should be entirely in the hands of the General Assembly; as "the power to tax implies the power to destroy," the people should know exactly what taxes they are called upon to pay and they should have a voice when the taxes are increased and the power of taxation should never be given to irresponsible boards or commissions but should flow entirely from the people. Taxation in Louisiana, now particularly in New Orleans, with the increased assessments, is higher than ever before and as shown by an editorial in the *States* on November 23rd, last, the amount to be paid in 1922 and thereafter, unless the Constitutional Convention comes to the relief of the taxpayers, will be about four times as much as was paid forty years ago.

I trust the members will not burden the people of this State with an income tax for with the Federal Tax probably soon to be increased the strain is now greater than the people can well bear, and to add another income tax would be disastrous.

Some of the suggestions as to the income tax which might be placed in the Constitution would be ridiculous if the subject was not so serious. For instance: someone has suggested that the income tax on savings whether in property or otherwise, should be greater than those on earnings so that the humble citizen who by thrift and economy has purchased a double house, let us say, from which he gets a revenue from one side would be taxed on his income while the railroad or corporation official receiving a salary of \$25,000.00, \$50,000.00 or \$100,000.00 would go free, but certainly, no such inequality as this would ever be upheld by the people of Louisiana.

Another suggestion has been made that in assessing real estate business property should be assessed at a greater rate than residence property and this too would be an inequality, un-American and unbusiness-like.

It is interesting to note the many divergent views as to what the coming Constitutional Convention should do as to taxation; some writers have gone so far as to say that the matter should be left entirely out of the Constitution as it was out of the Constitution of 1912 and left to the General Assembly to deal with as that body may from time to time think proper. I hope this may not be done, because taxation embracing as it does "the power to destroy" should be safeguarded in every way subject to the vote and should not be determined by their representatives and for this reason I believe that the tax provisions of the new Constitution whatever they may

be should be submitted to the people whether the Constitution as a whole is or not.

The income tax whenever suggested in Louisiana has always been voted down by Legislature and when the assessors attempted to impose an income tax it was held illegal by the Supreme Court. See case of *Forman vs. Board of Assessors*, 35th Louisiana Annual, 825, decided in 1887. The income tax is a tax on thrift and is an inquisitorial tax and really has no place in America except as a war measure and any attempt to impose an income tax in Louisiana I am sure will meet with opposition and proper opposition from the people of the State.

The general trend in recent years has been for a long Constitution, though, according to a compilation of the Constitutions of all the States which is in the Law Library, it appears that the Constitution of Louisiana adopted in 1913 is the longest, and when we take into account the amendments adopted since, its length is very much increased.

Of course there is no doubt that the present Constitution will be greatly shortened, but with the many conflicting interests and ideas represented in the Convention, compromises will have to be made by which items of legislation will go in the Constitution. A great shortening of the Constitution can take place by limiting the provisions regarding the Judiciary to one article in the body of the Constitution and two in the Schedule, reading somewhat as follows:

1. "The judicial power of the State of Louisiana shall be vested in one Supreme Court, and in such inferior Courts as the General Assembly may from time to time ordain and establish. There shall be an appeal in every case, civil and criminal, and the right of the Supreme Court to issue writs of review, and writs of *certiorari*, mandamus and prohibition to all inferior Courts and the right of other appellate courts to issue writs of mandamus and prohibition in aid of their appellate jurisdiction shall never be abridged or limited, but may be enlarged and extended by the General Assembly. No powers other than judicial shall ever be conferred upon the Justices or Judges of any court of greater dignity than City Courts, Mayor's Courts, or Justices of the Peace."
2. "There is hereby created a Judicial Commission, consisting of nine members, one from the members of the Supreme Court, one from the members of the Courts of Appeal, and one from the District Judges, all to be selected by the Supreme

Court; two to be chosen by the Senate, two by the House of Representatives and two appointed by the Governor to prepare and frame and submit to the General Assembly as soon as possible, a comprehensive Judicial Code, which Code when adopted by the General Assembly, shall be immediately placed in effect under rules to be adopted by the Supreme Court, if necessary; no amendment of said judicial code increasing the number of Courts created thereby, the number of Judges of the Courts created hereby, increasing the salary of any Judge or Court official, or changing the jurisdiction of any Court, shall be adopted except by the affirmative vote of two-thirds of all members elected to each House of the General Assembly, and if vetoed by the Governor shall require the affirmative vote of four-fifths of the members elected to each House to become a law."

3. "In order that there may be no interruption in the administration of justice until the adoption of the Judicial Code herein provided for and the organization of the Courts thereunder, all the courts of the State as now existing, shall remain in existence and operation and all laws and Constitutional provisions relating thereto shall remain in full force and effect, including the names, composition and jurisdiction of the courts, the compensation of the Justices and Judges, the clerical and executive officials of the courts, their deputies and their compensation, the fees of such officials and the rules of practice."

The various arguments published from time to time regarding what jurisdiction should be given to the Supreme Court of Louisiana by the new Constitution are in many instances inaccurate and misleading.

For instance, it was recently stated that the Supreme Court should have no jurisdiction to review the facts, but should be like the Federal Appellate Courts which in no case examine the facts; in at least half of the cases appealed in the Federal Courts the facts are reviewed, because this is done in all equity cases and in all admiralty cases; and in many law cases; where testimony is usually made part of the request for peremptory charges and of the Bills of Exceptions the court has to review the facts to see whether they are sufficient to sustain a verdict or not in order to determine whether the peremptory instruction should or should not have been given; many of the records on appeal in the Federal Courts exceed in volume, those in our State Supreme Court. As the courts of Louisiana are

courts of law and equity, in order to take away from the Supreme Court the right to review the facts our whole system of trial would have to be changed and I do not believe our people are ready or desirous for such a revolution.

In passing I may say that every case appealed in the Federal Courts embraces a review of the facts. When the facts are not to be examined, the case goes up on writ of error and not by appeal.

Everyone endorses the statement of Governor Parker that the Convention should frame a Constitution that anyone may understand, but that is an impossibility. The Constitution of the United States, which to the ordinary reader appears very simple, has been in existence for over one hundred and thirty-one years and nobody yet knows what it means. New interpretations are being placed upon some of the articles day by day, and even the Supreme Court of the United States, the greatest court in the world, has often interpreted parts of the Constitution by a vote of five to four. By a vote of four to three, when the court had but seven members, the Legal Tender Act adopted during the war between the States, by which paper money was issued, was declared unconstitutional in part, but soon thereafter, by a vote of five to four, two additional members of the court whose views were known in advance having been appointed, it was held constitutional in all its provisions.

While the Supreme Court had several times upheld a congressional income tax, the income tax law of 1894 by a vote of five to four was held not authorized by the Constitution, though the court had previously held four to four that it was.

The Fourteenth Amendment to the Constitution, which was proposed and adopted to confer greater rights upon the negroes and to punish the Southern whites who served in the Confederate Army and had no other object, has, by the decisions of the Federal Courts, become the "bulwark of the trusts," and under it has grown up the grasping jurisdiction of the Federal Courts in all cases where corporations are involved to the injury of the individuals.

So eminent an authority as Mr. F. G. Bromberg, of Mobile, one of the leading constitutional lawyers of the United States, (and many others agree with him) strenuously contends that the Congress of the United States which proposed the Eighteenth Amendment to the Constitution, the forty-five States which adopted it, and the Supreme Court of the United States which upheld and maintained it, have no correct conception of the meaning of Article Five of the Constitution which provides for the amendment thereof.

The admiralty jurisdiction of the Federal Courts under the Constitution has been enlarged by the courts from time to time, giving new meanings to the Constitution, and to an extent never dreamed of by its framers, and so regarding the jurisdiction over corporations; the articles of the Constitution as to citizenship have been given all kinds of meanings, in some cases corporations are treated as citizens and in others they are not. And now the question is being agitated whether the power given to Congress by the Constitution of the United States "to regulate commerce among the several States," also includes the power to regulate commerce entirely within a State, when this power is necessary to secure and enforce uniformity of regulation; and what the final decision will be no man knoweth.

Even the Supreme Court of Louisiana had to change its decision in order to decide that sugar refining was manufacturing, having first decided that it was not in the meaning of the exemption of the Constitution from license taxation of all manufactories save certain ones, and the articles of the Constitution in regard to exemption from general taxation have been interpreted different ways at different times. No one knows today what the graduation required by the Constitution for license taxes means because the Supreme Court has given so many different interpretations on the subject.

These illustrations might be multiplied indefinitely, but there is no Constitution and no law that can be passed that cannot be subject to different interpretations and the simplicity of the language often presents the most complex of interpretations.

It is to be hoped that one of the first acts of the Constitutional Convention of 1921 will be to create a legislative reference bureau so that the work of the Convention as it progresses may be examined by a body of disinterested experts to prevent errors, contradictions and uncertainty of language in the Constitution and also that it will provide for a permanent legislative reference bureau for the General Assembly.

The members of the General Assembly seem too fond of their dignity that the probability is that no legislature will create such a body and it ought to be done by constitutional enactment so that it cannot be destroyed by the Legislature. When the Convention completes its labors it should take a recess of at least two weeks in order that the Constitution may be studied by the members of the Convention before the final vote which sends it to the people.

In the Convention of 1898 its labors were finished on the morning of May 12th. The Constitution was hurriedly printed and placed

on the desks of the members that night and was then adopted as a whole, and while the signing was going on it was discovered that a most important amendment regarding railroad taxation which had been defeated on the floor of the Convention had been incorporated in the Constitution and adopted, and when this was discovered about half the members had already signed, but a halt was called, an investigation was started and the error was corrected; someone intercepted the messenger who took the manuscript from the Committee on Style and Revision to the printer, and made the change and as the final proof was not read it was not discovered before the Constitution was adopted. The Constitution of 1898 is entirely contradictory as to whether or not the Governor shall be suspended pending his impeachment. The word "indicted" appears instead of "interdicted," referring to those not entitled to suffrage. The wards of New Orleans were called "Representative Districts," and many other errors of style will be found, and these can only be obviated by a careful examination of the Constitution after it is entirely completed and printed, with time for the study thereof before the vote for final adoption.

I have heard it suggested that the Constitutional Convention of 1921 will have no power to submit the constitution to the people because it cannot call an election or provide for the expense thereof. This has not been the practice of former Conventions.

The Convention of 1868 in Article 153 fixed "the election for the ratification of the constitution" on "Friday and Saturday, the 17th and 18th days of April, 1868."

The Convention of 1879 authorized the fiscal agent of the State to negotiate a loan of twenty-five thousand dollars to pay the expenses of that convention above the amount appropriated by the act which called it and the General Assembly was directed to make an appropriation to pay the debt.

The convention of 1898 authorized the President of the Convention to negotiate a loan of fifteen thousand dollars for the same purpose as was authorized the loan by the Convention of 1879 and also authorized the governor to borrow fifty thousand dollars for the mobilization of the State troops in the war with Spain, and the General Assembly was directed to make an appropriation to pay both of these loans, and all three of the loans above specified were paid.

The very moment the Constitutional Convention of 1921 concludes to submit its work to the people it then becomes unlimited in scope because the limitations are based upon the nonsubmission

of the Constitution and disappear when the whole subject is referred back to the people.

The Constitution of 1812 was not submitted to the people but was called under an act of Congress. The secession ordinance and the readjustment of the Constitution of 1852 were not submitted, nor were the Constitutions of 1898 and 1913. The Constitutions of 1864 and 1868 were submitted but the election in each case was a farce; the only Constitutions wholly submitted to the people in a proper election were those in 1845 and 1852. The members of the Convention of 1879 were doubtful as to whether the Constitution framed by them would be adopted, particularly as it shortened the terms of many of the officers by one year and the Justices of the Supreme Court by five years so the State Debt settlement, which was the most important question of all, was separately submitted.

Of the many eminent men who have served in the Constitutional Conventions of this State, but three achieved the distinction of having served in three conventions, James G. Taliaferro, who presided over the Convention of 1868 and was a member of those of 1852 and 1861 and who afterwards was Justice of the Supreme Court from 1868 to 1876; Robert B. Todd, who was a member of the Conventions of 1852, 1861 and 1879 and was a Justice of the Supreme Court from 1880 to 1888; and Thomas J. Semmes, America's greatest lawyer, who was a member of the Conventions of 1861, 1879, and 1898, and who achieved distinction in many ways, having been Attorney-General of the State, a member of the Senate of the Confederate States and Professor of Civil Law in the University of Louisiana.

Mr. W. J. Burke, of New Iberia, and M. H. Carver, of Natchitoches, who were members of the Conventions of 1898 and 1913, will be members of the Convention of 1921, the former having been elected without opposition in his parish and the latter having been appointed by the Governor, and they will join the three above named as members of three Conventions.

Both took a prominent part in the two Constitutions of which they have been members. In 1898 Mr. Burke was Chairman of the Committee on the Executive Department and in 1913 was Chairman of the Law Committee and in that year Mr. Carver was Chairman of the Committee on State Debt and in 1898 was Chairman of the Committee on Impeachment and Removal from office.

There were ten members of the Convention of 1879 who were members of the convention of 1898 as follows: Henry Chiapella and Thomas J. Semmes, of New Orleans; S. P. Henry, of Cameron; B. F.

Jenkins, of De Soto; C. C. Davenport, of Morehouse; G. W. Bolton, of Rapides; H. C. Stringfellow, then of Red River, but now living in Shreveport, Albert Estopinal, of St. Bernard; J. M. Thompson, of St. Tammany, and Judge I. D. Moore, who was the only member of both conventions elected from different constituencies; in 1879 he represented the Parish of Lafourche and in 1898 he represented the Eleventh Ward of New Orleans. He was nominated and elected from the 14th Ward to the Convention of 1915 though the call therefor, was, however, voted down by the people.

Honorable N. C. Blanchard, who was a member of the Convention of 1879 was the presiding officer of 1913 and five members of the Convention of 1913 were members of the Convention of 1898; besides the above named, F. B. Dubuisson, of St. Landry, W. O. Hart and James O'Connor, of New Orleans.

The only surviving members of the Convention of 1868 as far as I know are P. B. S. Pinchback, now living in Washington, and Judge Hiram R. Steele, a member of the bar of New York City, and both of these were members of the Convention of 1879. Both of these were prominent in the history of Louisiana; Pinchback was a member of the State Senate when Oscar J. Dunn, the colored Lieutenant-Governor elected in 1868 died, and at a special session of the Senate called by Governor Warmoth, he was elected President of the Senate which made him Lieutenant-Governor; after the election of 1872 Governor Warmoth was impeached and Pinchback became Acting Governor of Louisiana and was at once recognized by President Grant and later by the Supreme Court of Louisiana and by the Supreme Court of the United States.

He was a candidate for Congressman at large from Louisiana in 1872, his opponent being General George A. Sheridan on the Liberal-Republican-Democratic Ticket. A contest which began at the opening of Congress extended until the last day of the Congress, March 3rd, 1875, when Sheridan was admitted to the seat. In January, 1873, Pinchback was elected by the Kellogg legislature to the United States Senate but after a contest extending over many years he was refused admission and some time after that, James B. Eustis who had been elected in the meantime, was admitted, becoming the first Democratic Senator after the withdrawal of Benjamin and Slidell when Louisiana seceded.

Steele was Assistant Attorney-General, Judge of the Superior Criminal Court, Attorney-General, and District Attorney for the Concordia District, his title thereto being upheld by the Supreme

Court against an attack of the Attorney-General who claimed that Steele did not live in Louisiana, but in Natchez, Mississippi.

Of the ten above mentioned who served in the Conventions of 1879 and 1898 there are still living besides Judge Moore, Mr. Stringfellow and Mr. Bolton who still lives in Alexandria.

All of those who served both in the Conventions of 1898 and 1913 are still living and actively engaged in the practice of law, except Mr. O'Connor who is a member of Congress.

If Honorable Hewitt Bouanchaud, the present Lieutenant-Governor is elected President of the coming Constitutional Convention as now suggested, this will be following the precedent of 1879 when Louis A. Wiltz, elected Lieutenant-Governor in 1876, was made President of the convention, and the first Governor elected thereunder and so "coming events may cast their shadows before."

The Presidents of all the Constitutional Conventions of Louisiana have been men who acquired eminence in other walks of life except one hereinafter mentioned.

Julien Poydras, President of the Convention of 1812, was a delegate in Congress from the Orleans Territory and a representative in the 11th Congress from the State of Louisiana.

Joseph Walker, the President of the Convention of 1845, was elected Governor in 1850, and after serving three years was legislated out of office by the Constitution of 1852 just as Francis T. Nicholls was by the Constitution of 1879.

Duncan F. Kenner, the President of the Convention of 1852, was a member of the Confederate Congress and afterwards a State Senator in Louisiana.

E. H. Durell, the President of the Convention of 1864, was the notorious United States District Judge who signed the infamous mid-night order by which the United States Court organized the legislature of Louisiana after the election of 1872 with the result that Governor Warmoth was impeached and the Colored Acting-Lieutenant-Governor became Acting Governor of the State for several weeks.

The President of the Convention of 1861 was Alexander Mouton, who had served in the Senate of the United States and held other important positions in the State.

The President of the Convention of 1868 was James G. Taliaferro, who afterwards served as a member of the Supreme Court from 1868 to 1876.

The President of the Convention of 1918 was Ernest B. Kruttschnitt, one of the leading lawyers of Louisiana, but who held no

political office except for many years he was President of the School Board of New Orleans.

The President of the Convention of 1913 was, as above stated, Newton C. Blanchard, of Shreveport, who was a member of the Convention of 1879, member of the House of Representatives and Senate of the United States, Justice of the Supreme Court and Governor of Louisiana.

Though the Attorney-General gave an opinion that women voters in Louisiana were not liable for poll taxes until the Constitution had been changed, in this I think he was in error, but whether he was or not the matter was of sufficient doubt and importance that it should be resolved in favor of the payment of the poll tax, and I am glad to state that through agitation in the press and otherwise, about twenty thousand women voters paid their poll taxes in New Orleans for 1920, so as to make themselves qualified electors for 1921 and 1922, and I understand that a larger proportion of the registered vote of women paid the poll tax than of registered men.

Besides, as women have been the most ardent supporters of the public schools, it was hardly to be supposed that they would refuse or neglect to pay the one dollar poll tax when such dollars go to the public schools, and when they had the right to pay the poll tax even though they might not have been obliged to do so.

Moreover, what was the use of women taking the chance of losing their votes in 1921 and 1922 because their poll tax for 1920 had not been paid? When the Fifteenth Amendment to the Constitution of the United States was adopted, the Supreme Court of the United States decided that in effect it struck the word "white" out of every constitutional and law provision of every State in relation to suffrage including the right to vote and the right to hold office; (Neal *vs.* Delaware, 103 United States Reports, 370-389; Watson on the Constitution, pages 1673, 1674;) and as the words of the Nineteenth Amendment are similar, the result is the same in effect and as women are now given the right to vote, and with the right must go the obligations thereof and one of the obligations is the payment of poll taxes.

It was stated that one reason why women voters need not have paid Poll Taxes last year in order to vote in 1921 and 1922 was that the coming Constitutional Convention may contain a provision that they may vote without paying such taxes; this, however, was a dangerous assumption to proceed on. The Convention may do nothing more than place women in the same category as men regarding poll taxes and again, if it does otherwise, the Constitution may be

submitted to the voters for approval and if this be so, women who have not paid poll taxes in 1920 cannot vote thereon, and I am sure our new voters would not like to be deprived of so important a duty as voting on that occasion.

It is inconceivable that the framers of the Constitution of 1898 and 1913 ever intended there should be a privileged class of voters in this State which would be the case if women were not compelled to pay poll taxes the same as men, and I do not believe the Convention of 1921 will protect women in their voting rights when they have failed to comply with one of the necessary requirements thereof, and that is, the payment of the poll tax of 1920, when they had ample opportunity to make the payment.

I trust the Convention will not adopt the suggestion that has been made from some quarter that in the future, the payment of poll taxes two years in advance would not be necessary for the exercise of the right of suffrage; in my judgment, this provision of the Constitution of 1898 is the bulwark of white supremacy in Louisiana and it should be continued for that reason, if for no other.

Our Constitution in regard to Confederate pensions is two pages long and after being amended several times at large expense to the State is again the subject of an amendment voted on last year.

Mississippi also voted on a Confederate pension amendment last year and I commend its simplicity and briefness to the members of the next Convention. It reads as follows:

"The legislature shall provide by law for pensions to Confederate soldiers and sailors who enlisted and honorably served in the late Civil War and who are now resident in this State. Pensions shall also be allowed to the widows of such soldiers or sailors now dead on conditions to be prescribed by law. Pensions shall be allowed to the wives of such soldiers and sailors now living upon the death of the husbands on conditions to be prescribed by law, but pensions granted to such widows shall cease upon their subsequent marriage."

Such an article is all that is necessary in our new Constitution except that there might be added thereto, the following:

"Provided, that the tax for Confederate pensions shall never be less than three-fourths of a mill."

When the time comes that there are very few pensioners left, the article regarding the tax could then be regulated by constitutional amendment, but in the meantime, the whole subject may be safely left in the hands of the General Assembly.

One of the reforms which should be in the next Constitution is the doing away with special elections which are a source of expense

to the cities, towns and parishes of the State as well as of the State, keep political questions before the people constantly, to the injury of business and the orderly progress of affairs and interfere with sessions of the courts on account of the holding by the Civil District Court in New Orleans that special election days are legal holidays.

The filling of vacancies in the Supreme Court is not by special elections, but by the Court calling in one of the Judges of the Courts of Appeal until the ensuing Congressional election and so it should be as to all vacancies in judicial offices. They should be temporarily filled by the Supreme Court from other courts if necessary and the elections, when held, should be for the full term of the office as is the case with the Supreme Court and not for an unexpired term. This would give the candidate a certainty of at least four years, in some cases eight, and in others twelve, and besides, would have the effect of preventing all the judges being elected on the same day, which would be an advantage.

In the other offices: Clerk, sheriff, constable, marshal, coroner, recorder of mortgages and register of conveyances, the chief deputy should continue as the head of the office until the next Congressional election, and where there are assistant district attorneys the chief assistant should so act, and where there are none, the court should be authorized to appoint a district attorney pro tem. There should be but one general election every four years when the Governor and other officers should be elected at the same time as the Presidential electors are voted for.

It will, of course, be readily admitted by all that the suffrage question is one of the important ones to be discussed and considered by the coming Constitutional Convention, but no matter what plan may be adopted no one in this State should hereafter be allowed to vote unless he or she can read and write the English language.

The great unrest in this country is caused by the presence of foreigners, naturalized as well as unnaturalized who do not adopt American customs, do not speak the English language and are ignorant of the history, literature and traditions of the United States.

So conservative a newspaper as the *Springfield Republican*, in commenting upon the last election, finds from utterances of prominent Germans that the large majority given for the Republican electors in November was by the practically solid foreign vote.

A requirement that each voter must read and write the English language would be a great incentive to education, for as the would-be voters grow up and know that their right of suffrage depends

upon their knowledge of English, they will take steps to acquire that knowledge.

Louisiana has been a State of the Union for nearly one hundred and nine years and it is the height of absurdity, to say the least of it, that Louisiana should protect those who in that time have not taken the trouble to learn English.

It is hoped that the Convention will safeguard public education throughout the State, not so much by incorporating in the Constitution provisions relating thereto, but authorizing the legislature so to do and abstaining from adopting provisions which might injuriously affect the schools.

A sufficient tax should be provided, not only for the City of New Orleans, but for all the schools in the State as to provide a living wage for the teachers and a surplus fund for repairs, upkeep and building of school houses and this tax should be beyond legislative control.

While perhaps it is not proper to provide for civil service in the Constitution there should be nothing therein to prevent civil service appointments where they now exist or to prevent other school boards from adopting same and a provision should be inserted in the Constitution providing that the school boards shall never be under the control of municipal or parochial governments.

As next to the parent, the teacher is the closest to the child and as the proper development of the child is necessary for the future stability of the Republic, teachers should not only be paid a living wage, but should be protected against want and old age and therefore, the State should make an appropriation annually, either through the Constitution direct or by mandate to the General Assembly to supplement and add to the teachers' retirement fund in the Parish of Orleans and in the other parishes so that same would always be ample to provide for the teachers who retire.

There are in the State of Louisiana and in the city of New Orleans, nearly one hundred public boards and of course, very many more when all those in the parishes are counted, and the coming Constitutional Convention should take some action to prevent their rapid increase, as has been the case in the last few years, and perhaps many should be abolished by Constitutional provisions, including even some of those imbedded in the Constitution, such as the Pardon Board, for instance, the abolishment of which has been suggested by Secretary of State Bailey in a very forceful interview recently published.

The so-called "Bill of Rights," prepared by the women voters of Louisiana for incorporation in the Constitution, while in many respects praiseworthy and important, embrace strictly matters of legislation and have no place in the Constitution.

As prohibition is now the supreme law of the land by virtue of the Eighteenth Amendment to the Constitution of the United States, it is useless to provide for State prohibition in the Constitution though it is perhaps advisable for Louisiana to adopt, as should the other States, the Volstead law, so as to make the enforcement of the prohibition amendment the same throughout the United States.

I notice that Governor Pleasant, is, with reservations, in favor of a long Constitution, and I doubt very much from the discussion now going on throughout the State whether the Constitution of 1921 will be very much, if any, shorter than the Constitutions of 1879, 1898 and 1913, and it may be longer, especially when we consider the many new matters which it is sought to place therein, for instance: Protection to wage-earners, blue sky laws, anti-blue laws, and half street car-fare for children.

The letter "B" seems to be an important one regarding Constitutional Conventions in Louisiana in recent years.

For the Convention of 1921 there are three candidates for the office of President and the names of all begin with a "B": Phanor Breazeale, of Natchitoches, formerly a member of Congress, a member of the Criminal Code Commission of 1908 and a very active member of the Convention of 1898 but not a member of the convention of 1913 as recently stated in the press; Hewitt Bouanchaud, now Lieutenant-Governor, and formerly Speaker of the House; and T. C. Barret, formerly Lieutenant-Governor. For the Convention of 1915, the call for which was defeated by the people, there were two candidates for President, Mr. Breazeale and Martin Behrman, then Mayor of New Orleans and recently elected a member of the Convention of 1921, he having been also a member of the Convention of 1898, and the only member from New Orleans to that Convention elected or appointed to the Convention of 1921; in the Convention of 1913 the President was Newton C. Blanchard, and the temporary chairman was then Chief Justice Joseph A. Breaux.

We read in the papers almost every day about the shortage of dwelling houses in the city of New Orleans, which shortage, of course, is going to create endless confusion and some suffering unless speedily remedied; and while many remedies have been suggested for this condition, that by Mr. B. P. Sullivan, a director in the Union Home-

stead Association and thoroughly posted on real estate conditions, seems to me the most feasible and the one most likely to bring immediate results and the one that will be of most benefit to the public in general, because every home, built and occupied by the owner, represents one more contented family, and contentment among the people is what is most needed at this time.

In the Constitution of 1879 certain manufacturers were exempted from taxation for a period of ten years and this exemption was extended for ten years more by Constitutional amendment and was carried in the Constitution of 1898 for ten years more from January 1st, 1900, as to municipal taxation. In both of these Constitutions all manufacturers with a few minor exceptions were exempt from license taxation and the Constitution of 1898 further exempted for ten years new railroads. All of these exemptions were put in the Constitution with the idea that development by manufacturers and railroads would be brought about in the State which might not take place if they were compelled to pay taxes from the beginning of their existence; all of these provisions worked well and were found to be for the benefit of the State.

Mr. Sullivan's suggestion is that new houses built and occupied by the owners be exempt from taxation for a limited period, say ten years, from January 1st, 1921. It is very easy to safeguard this exemption by providing that it shall only take place and exist when and as long as the owner lives in the house which he built; if he should sell or rent the house the exemption to end, thus destroying the work of the speculator who might build houses in order to escape taxation.

We always hear it said that in this country the dollar is placed above the man, and here is a chance to reverse the order of things by recognizing the man who builds the house by exempting his house from taxation just as heretofore manufacturing establishments and railroads have been exempted. The amount of revenue this city and State would be deprived of would be insignificant compared to the benefit derived. More houses would be built and greater demand for building materials and labor would follow, and as in the end, the last man pays the taxes, the taxes on this material and this work would more than balance the loss on the finished house. I hope the subject will be given serious attention by the coming Constitutional Convention.

For the last few months the newspapers of the State have devoted considerable space to the coming Convention and many of the suggestions made are well worthy of consideration and as showing

their trend of thought, I herewith repeat a recent editorial in the *Monroe News Star*:

"A State Constitution should be short, clear and confined to governmental frame-work, leaving all the filling to be done by the government in action. This policy has been so far departed from that all our State Constitutions are long, some very long and they consist very largely of statutory matter. The question has been asked 'Who can write a constitution of twenty lines?' That man has not yet been found. But the man can be found, we believe, who can write a State Constitution in twenty articles averaging less than twenty lines each. What State constitutional convention will be the first to adopt such a draft of its fundamental laws? The consensus of opinion seems to favor a constitution for Louisiana free from all ambiguity, consisting of carefully worded articles dealing entirely with such matters as are absolutely necessary for the guidance of the legislative branch of the government. It should be free from complex sentences, setting forth in terse terms the fundamentals of good government, giving to the Legislature the right to enact such laws as are deemed essential at the present time. Such a constitution will be responsive to the wishes of the people and will place Louisiana well up in the front rank of progressive States of the Union."

Now that the membership of the constitutional convention of 1921 is complete, it may be interesting to compare same with previous conventions.

As in 1898, both the Lieutenant-Governor, then R. H. Snyder of Tensas, who was afterwards elected Speaker of the House of Representatives, and the Speaker of the House of Representatives will be members of the convention in 1921, and for the first time a justice of the Supreme Court will be a member, in the person of Associate Justice B. C. Dawkins, of the parish of Ouachita.

Of the members of the convention of 1879, the president, Louis A. Wiltz, was then Lieutenant-Governor, and four members became Justices of the Supreme Court. N. C. Blanchard of Caddo, Charles Parlange of Pointe Coupee, F. P. Poche of St. James and Robert B. Todd of Morehouse. S. P. Henry of Cameron, who was a member of the conventions of 1879 and 1898, was twice elected Speaker of the State House of Representatives, and G. W. Bolton, also a member of both conventions, was once elected Speaker.

Of the members of the convention of 1898, three became members of the Supreme Court, the present Chief Justice, Frank A. Monroe of New Orleans, Associate Justice O. O. Provosty of Pointe Coupee

and Judge Paul Leche of Ascension, who served about 16 months by appointment of the Court after the death of Justice Land, until the election of Justice Dawkins. M. J. Cunningham of Natchitoches, a member of the convention of 1879, was three times elected attorney general and A. V. Coco of Avoyelles, a member of the convention of 1898, is now serving his second time in that office.

Two ex-Governors, both Republicans, were members of the convention of 1879, H. C. Warmoth and P. B. S. Pinchback, and both are still living. Two members of that convention became Governors: Wiltz and Blanchard; and three became Lieutenant-Governors, Parlange, Estopinal and H. R. Lott of West Carroll.

One member of the convention of 1898 became Governor, J. Y. Sanders, then of St. Mary, but now of Washington parish. He and R. G. Pleasant of Caddo, elected Governor in 1908, will be members of the convention of 1921, and T. E. Barret of Caddo, a former Lieutenant Governor, will be a member.

The political record of Mr. Sanders is most interesting. During the sessions of the Constitutional Convention of 1898 he was elected a member of the State House of Representatives, re-elected in 1900 and then elected Speaker; elected Lieutenant-Governor in 1904 and while serving as Governor in 1910, was elected United States Senator to serve the unexpired term of nearly five years of ex-Governor Samuel D. McEnery. Unfortunately for the State, in my judgment, Governor Sanders declined this election, following the course of J. N. Destrehan, the first Senator elected from Louisiana, who declined the office October 12th, 1812, and Charles Gayarré, the historian of Louisiana, who declined the election as Senator in 1835 though his declination was entirely on account of the condition of his health at that time.

Don Caffery, of St. Mary, and Mr. Blanchard, members of the Convention of 1879, became United States Senators, and Joseph E. Ransdell of East Carroll, and J. B. Thornton of Rapides, members of the Convention of 1898, became United States Senators. Of the present members of the United States House of Representatives, R. J. Wilson of Catahoula and Mr. Sanders were members of the Convention of 1898, and W. P. Martin of Lafourche and James O'Connor of New Orleans were members of the Convention of 1913.

Phanor Breazeale of Natchitoches, Albert Estopinal of St. Bernard, Geo. K. Favrot of East Baton Rouge, A. P. Pujo of Calcasieu, R. C. Wickliffe of West Feliciana, and Mr. Ransdell, members of the Convention of 1898, also served in the United States House of Representatives, and Mr. Favrot was again elected last November.

P. M. Lambremont, of St. James, elected Lieutenant-Governor in 1908; Martin Behrman, who served as Mayor of New Orleans from 1904 to 1920, and I. D. Moore, who recently retired from the office of City Attorney of New Orleans, after ten years' service, were all members of the Convention of 1898, and Mr. Behrman will be the only member of that Convention from New Orleans in the Convention of 1921.

Of the members of the Convention of 1913 from New Orleans in the Convention of 1921 there will be two, Charles O'Connor from the Twelfth ward (he representing the Second ward in 1913) and John P. Sullivan of the Third Ward. Other members of the Convention of 1913 who will be in the Convention of 1921 are J. W. Joffrion of Avoyelles and W. C. Hodges of Bossier; R. F. Walker of East Feliciana now Speaker of the House of Representatives; W. J. Burke, of Iberia; John A. Carville of Iberville; L. L. Judice of Lafayette; H. Flood Madison of Morehouse; M. H. Carver of Natchitoches; Simon Leopold of Plaquemines; Albin Provosty of Pointe Coupee; J. W. Alexander of Rapides; S. D. Ponder of Sabine; Joseph E. Doussan of St. James; D. C. Labbe of St. Martin; G. H. Clinton of Tensas and L. O. Broussard of Vermilion.

Members of the Convention of 1898, besides those before referred to, who will be in the Convention of 1921, will be S. McC. Lawrason of West Feliciana; H. T. Liverman of De Soto; J. B. Snyder of Madison; H. H. White and W. D. Haas of Rapides; L. P. Caillouet of Lafourche and P. S. Pugh of Acadia.

In the Convention of 1879 there were 27 Republicans, many of them colored; in the Convention of 1898 there was one Republican, and there will be one in the Convention of 1921, Dr. Roy O. Young of Lafayette, one of the appointees of the Governor. In the Convention of 1913 all the members were Democrats.

Having said something about the flag of Louisiana of 1861, it may not be out of place to speak of the present official flag of our State.

In 1912 the Louisiana Historical Society appointed a committee, of which the late Mrs. W. J. Behan was chairman, to draft a bill for presentation to the General Assembly of Louisiana in the effort to have a law passed recognizing and legalizing the Pelican flag, so called, which though in use for nearly a century had never been officially adopted by the General Assembly. The bill was undertaken by Mr. W. F. Roy, Representative from St. Bernard parish, and was introduced by him in the House of Representatives

as Bill No. 203; it duly passed and was approved by the Governor July 1, 1912.

In the session acts of that year, as a part of the law is a picture of the flag, though the coloring is defective, the blue being too light, as the proper blue of the flag is dark, and the character & is used instead of "and," between "Justice" and "Confidence." The law in part, reads as follows:

"The official flag of Louisiana shall be that flag now in general use, consisting of a solid blue field, with the coat-of-arms of the State, the Pelican feeding its young, in white in the center, with a ribbon beneath, also in white, containing in blue the motto of the State, 'Union, Justice and Confidence.'" The second section provides: "That the said State flag shall be displayed on the State House whenever the General Assembly is in session and on public buildings throughout the State, on all legal holidays and whenever otherwise declared by the Governor or the General Assembly."

So far as New Orleans is concerned, the public officials obey this law, and the flag will be found on all holidays floating above the City Hall and on other public buildings.

NOTE:—Since this paper was prepared, the Constitutional Convention of 1921 has met, and while there were many curious ordinances introduced, one prepared by a citizen of New Orleans is so unique and extraordinary that I think it ought to be preserved for future generations. It reads as follows:

"It is hereby voted upon and passed by this Convention that the following Amendment to the State Constitution be made as follows, to become a part of the Organic Law and to take effect from date of its passage, to-wit:

"It is hereby declared lawful and commendable that, in cities and towns of two thousand or more in population, to construct and equip what may be herein described as Matrimonial Stations, the object of which would be to encourage and facilitate the natural and legitimate aspirations of the young people, especially in the direction of marriage. The funds for the establishment and maintainance of the stations shall be furnished by the State and Municipalities, aided by private contributions in cash, material or labor.

"The Institution shall be under the supervision of a detective and matron, appointed by the city, in order to secure propriety.

"In the way of further encouragement to those who obtain certificates of marriage, the State and City shall make effort to furnish a position or employment of some kind to the groom, supplemented as aforesaid by generous citizens, as far as possible. In the

meantime the General Government might be appealed to, to lend assistance as to custodian of our vast landed areas, and the provisions of our National Homestead Law.

"It is evident that in communities of a miscellaneous character scores of young people might be brought together in an honorable relation and directed on the right way and good citizenship.

"If it is a function of Government to suppress crime, it is likewise a duty to encourage righteousness and virtue and promote the public and private morality of the community."



BONDED DEBT OF NEW ORLEANS 1822 TO 1920 INCLUSIVE

By Horace P. Phillips

In an address delivered by Mr. R. S. Hecht, in the year 1916, before the Tulane Society of Economics, he said:

"A discussion and analysis of the financial affairs of the City of New Orleans would ordinarily be a very dry and uninteresting subject for all except the few who, for some special reason, have some direct interest in this intricate question."

The writer being one of the few having a very direct interest in the subject matter and possessing certain knowledge concerning the bonded debt of the City of New Orleans which dates with the origin of same, decided for his own benefit primarily, and for the convenience and satisfaction of any others who may be interested to compile this history of the bonded debt of the City of New Orleans.

In the year 1803 the transfer of Louisiana to the United States was completed.

By an act of Congress dated March 26th, 1804 was created the territory of Orleans.

The territorial assembly on February 17th, 1805, granted the first act of incorporation which constituted "all the free white inhabitants of New Orleans, a body corporate by the name of the Mayor, Aldermen, and inhabitants of the City of New Orleans." The officers of the city, created by this act were one Mayor, one Recorder, fourteen Aldermen, one Treasurer, and as many other subordinate officers, not herein mentioned, for preserving the peace and well ordering the affairs of said city. The city was divided into seven wards. In 1812 it was divided into eight wards, and changed from time to time, until at present it is composed of seventeen wards.

The first act authorizing New Orleans to create a Fund or Capital to procure a loan was adopted on March 12th, 1822, and was amended by acts passed in 1825 and again in 1827, and the City of New Orleans in the year 1830 issued its first bonds, in those days called "City Stock" in an amount of (\$300,000) Three Hundred Thousand Dollars, payable in twenty years after date and bearing six per cent interest per annum, said bonds were signed by D. Prieur, Mayor and C. Genois, Recorder.

With the passage of Act No. 40 of 1833 the Commercial Bank was incorporated with a capital stock of \$3,000,000, with 30,000 shares of \$100 each. The City of New Orleans subscribed to 5,000 shares of its stock; this bank was invested with banking privileges, but the chief object of which was to be the conveying of water from the river into the City of New Orleans and its faubourgs, and into the houses of its inhabitants, said company being obliged to commence work of building the water works within twelve months.

By an act passed in 1835 the New Orleans and Nashville Railroad Company was incorporated for \$6,000,000 the City of New Orleans subscribing to \$500,000 of its stock and issuing a like amount of bonds to pay for its subscription, the object being the building of a railroad between the above named cities.

In the year 1835 an act was also passed wherein the New Orleans Draining Company was incorporated for the purpose of draining the swamps, etc., and the City of New Orleans was authorized to and did subscribe to \$350,000 of its stock, issuing a like amount of bonds to pay for same.

On March 8th, 1836, the act of division of the city into three Municipalities went into effect; That act divided the city into three Municipalities, with a recorder and council for each, a Mayor and General Council for the whole city.

In the year 1850, the "Board of Liquidators" with two members from each Municipality (6) with a Mayor as Ex-Officio President, were created by Act of the legislature for the purpose of liquidating the debts of the city of New Orleans, and of the separate municipalities; however the usefulness of this board was very limited as the act creating it was repealed on March 5th, 1852, which required them to hand over to the Commissioners of the Consolidated Debt all jewels, monies, credits, papers and books of any description then in possession of said Board of Liquidators.

The acts passed in 1852, consolidating the several Municipalities and the City of Lafayette into one city government, in which the legislative power was vested in a Board of Aldermen and a Board of Assistant Aldermen, and the Mayor, a Recorder for each district, a Controller, Street Commissioner, all elected by the people, and a Treasurer and Surveyor, Attorney and Assistant Attorney, elected by the Council, went into operation on April 12th, 1852.

The Commissioners of the Consolidated Debt of New Orleans, created by act of 1852, held their first meeting on April 13th, 1852, with the following members present: A. D. Crossman, Mayor; O. DeBuys, Comptroller; Wm. H. Garland, Treasurer; Wm. P.

Converse, Chairman of the Finance Committee, Board of Aldermen; L. H. Place, Chairman of the Finance Committee, Board of Assistant Aldermen. Mayor Crossman was elected President of the Board and Mr. Adolph Layet was elected secretary of the Board.

For the correct understanding of the fiscal affairs of the City of New Orleans, it may be proper to refer to several characters of the indebtedness of the city.

Previous to 1836 the city was under one government, and during that time contracted a debt which was known as the "old city debt."

In 1836 the city was divided into three distinct and separate corporations, and as such, contracted debts which are known as the debt of the "First Municipality," of the "Second Municipality," and of the "Third Municipality," and, by later act annexing Lafayette, the debt of that city was assumed by the City of New Orleans, thus making five classes of debts, which composed the "Consolidated debt of New Orleans."

These several debts were contracted principally in the construction of Wharves, School Houses, and such other buildings and improvements as are necessary to a well ordered and commercial city.

The debts of various classes on April 12th, 1852, were as follows:

Old City.....	\$2,923,760.00
First Municipality.....	1,051,510.63
Second Municipality.....	2,359,458.92
Third Municipality.....	855,191.06
City of Lafayette.....	504,825.65
TOTAL.....	\$7,694,746.26

From that date to April 1st, 1853, there were issued bonds of the Consolidated City in an amount of \$5,534,000, \$3,300,000 of which were sold, bringing a premium of \$18,207 and \$2,234,000 of said bonds were exchanged for bonds of the "old city" and the Municipalities Nos. 1, 2, and 3, and the City of Lafayette, which indebtedness of the latter Municipalities etc., were at this date reduced to \$3,182,516.54.

In the year 1854 the City of New Orleans subscribed to stock in the New Orleans, Opelousas and Great Western Railroad Company, the New Orleans, Jackson and Great Northern Railroad Company and the Pontchartrain Railroad Company and issued bonds for the stock to the amount of \$4,000,000.

During the troublesome times of the Civil War and the dark days of reconstruction which followed it, the City of New Orleans found itself repeatedly in a most difficult and dangerous financial

position, and had to resort to some rather unique and drastic measures in order to save itself from a complete collapse. But it must be said, to the everlasting credit of the City of New Orleans that even during the days of its greatest stress, it never for a moment yielded to the temptation of lifting all or any part of its burden by repudiating any of its legitimate obligations, but instead, found ways and means to readjust its affairs to the ultimate satisfaction of its creditors as well as its taxpayers.

The total assessed valuation of the city in 1861 amounted to \$125,192,403, but it began to decline from that time on until, in 1865, it had dropped to \$98,788,325 which meant a loss of over one-fifth of the total assessment in less than five years. A comparatively small part of this decrease was represented by the reduced valuation on real estate, but most of the loss occurring in "personal property". As an illustration, it may be interesting to mention here that one item of \$6,609,210 was taken off the assessment rolls at one stroke when all slaves were declared free, for that was the amount for which the slaves owned by New Orleans people were assessed.

But while the city's income was thus reduced by over 20%, the expenses of running the city, unfortunately did not decrease in the same proportion. On the contrary, the officials continued their reckless expenditure of public moneys. The tax rate in 1861 was 15 mills which gradually increased until it reached 30 mills in 1875.

In his report of May 5th, 1868, Mayor E. Heath, says: "The city currency is a subject which has painfully occupied a good deal of our attention of late. It is a paper currency which represents not precious metals, but rests solely on the credit of the city. The present city government is not responsible for its introduction. We found it in circulation when we came into office. It was the offspring of the war. It originated with the Council of 1861. It had its precedent—not a venerable one, though rather time-worn—in the shinplasters of 1836-37—a convenient kind of money, but which soon flooded the community in such quantity that the Legislature was compelled to intervene and prohibit the over issue of it. No one doubts that a city as wealthy as New Orleans is, and possessed of her commercial prestige and advantages, will, sooner or later, fulfill all her obligations."

In order to meet its current expenses, Act No. 52 of 1868 was passed and the city issued \$1,000,000 of bonds known as the "Million Loan" bearing 10% per annum interest for the purpose of paying, the pay rolls, and warrants for all salaries and wages due all city

employees, the police, the public schools, judgments against the city with the costs of same etc.,

By an act passed in 1869, the city was enabled to fund its floating debt and to liquidate its indebtedness, and was empowered to issue \$3,000,000 worth of bonds, known as the (7%) Seven per cents of 1869, for the specific purpose of converting the obligations of the city, known as City Notes, and floating debt.

Pursuant to a city ordinance, dated thirtieth of November, 1869, and Act No. 40 of 1833, the City of New Orleans issued to the Commercial Bank in payment for the Waterworks Department \$1,393,400 bonds dated January 1st, 1869, at thirty years to run, bearing 5% interest per annum.

The new City Charter of 1870; besides details embodying many features of the old charters, included a funding act which provided for the election of an administrator of the floating debt, whose duty it was to administer \$3,000,000 of a new issue of bonds, bearing 7% interest per annum, said bonds to be sold provided they bring 75, and the proceeds applied to the payment of the floating debt, meaning judgments, warrants, registered bills, and city notes, the holders of these evidences of floating debt, etc., are to be paid at par. The 7% bonds of 1870 amounting to \$3,000,000 were then issued.

By the act of 1870 annexing Jefferson City, the City of New Orleans assumed all the debts of the former which included \$295,000 bonds bearing 8% per annum interest.

During the year 1870, Wharf bonds amounting to \$709,000 and bearing 7.30% interest per annum were issued.

During the year 1871, bonds bearing 10% interest per annum were issued amounting to \$1,208,600 to pay the deficit and old claims, besides this, however, the city had unpaid loans, etc., amounting to over \$600,000.

In the year 1872, the Gold (7%) Seven Per Cents amounting to \$4,186,000 were issued for the purpose of paying Floating Debt, Deficit, and exchange for Matured Railroad Bonds, Drainage Canals, and Protection Levees, there were also issued during this year Street Assessment Bonds amounting to \$291,000.

In the year 1874, the City of Carrollton was annexed as the Seventh District of the City of New Orleans and the latter assumed \$194,000 bonds of the former.

The rapid increase in the debt of the City, beginning during the 60's with the excessive rates of interest, required some drastic action at this time.

The Premium Bond Plan.

It was at this time that the Administrator of Finance announced that the City Council in its efforts to find a solution for its problems had been compelled to "abandon the ordinary forms of finance as unequal to the occasion and to seek other and perhaps novel means of meeting the exigency."

He therefore submitted the plan proposed by Mr. D. H. Adler for the liquidation of the entire city debt, principal and interest, within fifty years, known as the "Premium Bond Plan."

The main object of the plan, which was ratified by the Legislature under Act No. 31 of 1876, was to convert the bonded debt of the city—which, amounted to over \$22,000,000 in 1875, bearing an average annual interest of about $7\frac{1}{2}\%$ —into Premium Bonds redeemable in from one to fifty years, with 5% interest, plus certain premiums. These new bonds were to be one million in number, of the denomination of \$20 divided into 10,000 series of 100 bonds each, of which a certain number of bonds are redeemed twice each year. To determine the particular series which are so redeemed, all of the series numbers of the bonds were put into a wheel—where they have now remained for over forty-five years—and four times a year, on January 31st, April 15th, July 31st, and October 15th, fifty numbers, representing 50 series are drawn out of the wheel by a blindfolded orphan boy. Twice a year—on January 15th, and July 15th, these drawn series participate in the "premium" distribution, at which 1176 premiums, ranging from \$20 to \$5,000, (and totaling \$50,000), are distributed, and all bonds remaining, which do not win any special premium, are paid at their par value, plus interest at the rate of 5% from July 15th, 1875. The interest on \$20 at 5% now amounts to \$45.50 (i. e., January 15th, 1921), so that the minimum value of drawn bonds is now \$65.50. The interest is not compounded, but 5% interest on \$20 amounts to 50 cents every six months, and for this reason the minimum value continues to become greater with every premium drawing until in 1925, when the last of these bonds will be drawn, the minimum value of each bond will be \$70.

It can readily be seen that this plan of deferring the payment of the interest on the city debt over a long period of years, was exactly what the city needed. Moreover, the element of chance connected with this refunding plan was sufficiently attractive to induce a large number of the holders of various city bonds to exchange their old securities at par for this new form of bond.

On the other hand, there were many bondholders who refused to be bound by the terms of the Premium Bond plan, because they did not care to give up their semi-annual interest bearing securities, which were supposed to give them a fixed income at stated intervals, for premium bonds on which no interest could be collected until the principal became due.

The leading financiers of that time were nearly all in favor of the Premium Bond plan and made every effort to induce the city's creditors to exchange their old bonds for the new. We cannot express the attitude of these bankers better than by quoting certain portions of an open letter which they published in the various newspapers:

"Our city is making a great effort to free itself from the difficulties that embarrass its government. We deem it our duty to give it our encouragement and approval. We would deprecate the idea of thrusting our views upon others of different convictions, or to provoke angry discussion, but the gravity of the financial conditions of our city, and the relations we occupy to those having most at stake, not only justify us, but imperatively demand that we should contribute something to the efforts now being made to obtain relief from existing grievous burdens. * * * Our City Administrators have, after due deliberations, adopted a plan styled the 'Premium Bond Plan,' by which the city can pay every cent of her debt, truly and surely and within a reasonable time.

"This plan is no invention of theirs or of ours; it is well known in Europe, adopted by many large municipalities. * * * We have neither time nor space, nor is it our special province, to argue here on the merits of this plan. Suffice it to say that there has been presented to the Administrator of Finance the sum of upwards of four million dollars to be converted into Premium Bonds, which afford practical proof of the confidence in the arrangements and the soundness of the scheme by the parties whose names are hereto affixed. * * *

"To repudiate would be to fix upon our community a blot of commercial dishonor that endless years of prosperity and fair dealing could not obliterate. * * * The plan should not be condemned in advance. We ask the public to wait and see; it cannot be expected that every soul in the city can be convinced and understand such matters at a glance. The solutions of questions of political economy and finances, under such difficult circumstances, require special aptitude.

"We further claim that any taxpayer, however small his tax, is directly interested in this Premium Bond plan, and it is the only possible way in which taxation can be reduced to its minimum, giving protection at the same time to the bondholders.

(Signed) "John N. Gaines,
"Sam'l H. Kennedy,
"J. H. Oglesby,
"Aug. Bohn,
"Geo. Jonas,
"Committee."

same was also signed by several hundred business men and taxpayers.

But, notwithstanding these earnest efforts to convert all of the old bonds into premium bonds, many holders refused to make the exchange, and, as a matter of fact, only \$13,464,340 of premium bonds were ever issued, and nearly (10) Ten Million Dollars of the old high-interest bearing bonds remained outstanding.

Due to these circumstances this very ingenious plan to help the city over her financial difficulties failed to bring the desired result, and during the years which followed the city experienced much serious litigation with many of her creditors, who refused to accept the Premium Bond plan and insisted on keeping the old, and in some cases past-due bonds.

The constitutionality of the Premium Bond act itself was attacked and the value of the premium bonds for a time fell as low as \$5 for a bond of \$20 par value. However, the Supreme Court finally upheld the legality of these bonds by a decision of 3 to 2, in the meantime the city received certain sums of money from the sale of franchises to the New Orleans City Railroad, the St. Charles Street Railroad Co., and from proceeds of drawn Premium Bonds held by the city; this money was by law dedicated to the bonded debt. It was then that the first bold stroke of policy was carried out and \$3,567,360 of premium bonds were covertly purchased and the gradual rise in the value of these securities thereafter was the beginning of the dawn of a new financial era for the City of New Orleans.

The premium bonds purchased by the city, together with those which were never issued at all, continue to participate in the premium distributions, so that the city wins some of its premiums.

After the validity of the premium bonds had been upheld by the courts, the holders of these bonds were, of course, entirely satisfied with the exchange they had made, but the holders of the unexchanged

bonds continued to harass the city administration with their various claims.

**"Creation of the Board of Liquidation
of the City Debt."**

Since the year 1880 following the reckless financing of reconstruction days, the bonded indebtedness of the City of New Orleans has been in the hands of a self-perpetuating board, created by a legislative act of that year (1880) and embodied as a part of the Constitution of the State, which tended at once to restore confidence among the city's bondholders at a time when the local financial horizon was dark indeed.

The object of this legislative creation was to have a body of representative business men and financiers who should design and carry out a sound financial plan by which the entire bonded indebtedness of the city should be cared for in a manner absolutely free from political considerations or influences, the purpose in view being the reestablishment of the city's credit, which had fallen low during the impoverished days that followed the civil war.

To add to the heavy financial burden, carpet-bag administrations, backed up by Federal bayonets, squandered the city's alimony in reckless fashion and created fresh obligations, which still further impaired the city's credit.

Act No. 133 of 1880 created a permanent syndicate body of six citizens, with the Mayor, the City Treasurer, and the City Comptroller, as Ex-Officio members, styled the Board of Liquidation of the City Debt.

In the title of the act creating the Board of Liquidation of the City Debt, which occupies an anomalous position in the city government, inasmuch as the continuing members control the policy of the board, the purpose of the board thus created was succinctly stated as being to liquidate the indebtedness of the City of New Orleans and to apply its assets to the satisfaction thereof.

At the meeting held June 3rd, 1880, organizing said Board, Joseph H. Oglesby, a leading banker of those days, was elected president; the other five syndicate members being Edw. A. Palfrey, John Phelps; Henry Gardes, A. J. Gomilla and Sam'l H. Kennedy, all prominent business men of their time.

On June 15th, 1880 the board elected T. Wolfe, Jr., Secretary and Bernard C. Shields, Assistant Secretary, both gentlemen having previously held the identical positions for many years under the Commissioners of the Consolidated Debt of New Orleans. T. Wolfe,

Jr., died on January 18th, 1917 and Bernard C. Shields was then elected Secretary of the Board.

A. J. Gomilla died in 1885 and was succeeded by Jos. A. Shakespeare; John Phelps died in 1886 and was succeeded by R. M. Walmsley; Joseph H. Oglesby died in 1888 and was succeeded by J. C. Morris as a member of the board; and R. M. Walmsley was then elected President of the board; Henry Gardes resigned in 1888 and was succeeded by John T. Hardie; Sam'l H. Kennedy died in 1893 and was succeeded by Wm. B. Schmidt; John T. Hardie died in 1895 and was succeeded by Wm. T. Hardie; Jos. A. Shakespeare died in 1896 and was succeeded by Walter R. Stauffer; Edw. A. Palfrey died in 1901 and was succeeded by A. Brittin; Wm. B. Schmidt died in 1901 and was succeeded by Charles Janvier; J. C. Morris died in 1904 and was succeeded by Ashton Phelps; Charles Janvier resigned in 1906 and was succeeded by Charles J. Theard; Ashton Phelps died in 1919 and was succeeded by Charles Janvier; R. M. Walmsley died in 1919 and was succeeded by R. S. Hecht as a member of the Board; A. Brittin was then elected President of the board, Charles J. Theard, Vice-President, and Wm. T. Hardie, Vice-President Pro-tem. As each succeeding city administration was inducted into office, the Ex-Officio members of this board took their seats.

The Board of Liquidation, City Debt, as presently constituted is composed of A. Brittin, President; Charles J. Theard, Vice-President; Wm. T. Hardie, Vice-President Pro-tem; Walter R. Stauffer, Charles Janvier, and R. S. Hecht, with Andrew J. McShane, Mayor; Richard M. Murphy, Commissioner of Public Finances; Stanley W. Ray, Commissioner of Public Safety, of the City of New Orleans, as Ex-Officio members.

With the election of Mr. Walmsley to the presidency of the board, the real achievements of the Board of Liquidation, City Debt, began. In the preceeding years the board had, it might be said, simply been gathering up the loose ends of the city debt. With the accession of Mr. Walmsley to the presidency, however, came new blood and new methods of financing, which were destined within a comparatively short period of time to achieve results scarcely dreamed of by the members of the Legislature who passed the act creating the board.

The approaching maturity of debts bearing six and seven per cent interest, as well as the necessity for the payment of the Gaines judgment, the board went before the Legislature and secured permission to issue \$10,000,000 Constitutional Bonds of the City of New Orleans, bearing four per cent per annum interest, and dated July 1, 1892, for the purpose of refunding the City Debt.

In the year 1894, foreseeing that the financial situation at that time was such that the refunding plan could not continue to be successfully executed, the board secured from the State Legislature of 1894, an authorization to negotiate for the sale of such an amount of bonds as was necessary to retire the outstanding bonded indebtedness of that time, except the Premium Bonds. Through the provisions of this act, the Board sold \$4,503,000 Constitutional Bonds bearing four per cent, and a like amount of the Extended Bonds bearing Six per cent interest which were originally extended as to maturity for the period of forty years from the 1st of January, 1883, provided the city shall have the right to call in said bonds, so renewed or extended, for payment at par, after the year 1895, were all called for redemption and paid in anticipation of their callable date.

Through Mr. Walmesley's personal influence with the stockholders of the Louisiana National Bank, the first of the refunding series (Constitutional Bonds) was successfully put through.

In the early nineties, for the first time since the civil war, city four per cent bonds sold at par.

A few years later another portion of the Constitutional Bonds were sold to redeem certified bonds, and certificates, all of which were bearing six per cent interest. The final sales of the Constitutional Bonds were made at from 105.01 to 107.25, the price afterwards going as high as \$110.

The refunding of all the old issues of bonds by the issuance of the Constitutional Bonds paved the way for later issues of other classes of bonds.

In the year 1898 the city issued \$233,000 of Floating Debt bonds bearing Four per cent interest and having 50 years to run, which were authorized for the purpose of taking up certain floating debts of the City of New Orleans and the city was supposed to turn over to the Board of Liquidation, City Debt, certain back taxes from the years 1879 to 1895 for the purpose of redeeming these bonds, as a matter of fact, these back taxes never became available for this purpose and the bonds are only secured by the good faith of the city, however, the Board of Liquidation, City Debt, out of certain free funds in their possession, resulting from the interest it receives on its balances in bank, has taken care of the interest when due on these bonds and has purchased and redeemed \$15,000 of the bonds themselves.

The financial skies of New Orleans were now quite clear, and there appeared no need for any additional financing, when upon the individual signature of Mr. A. Brittin a conference of the members of the City Council, of which he was president, was called, and held

on November 17th, 1898, in the Mayor's Parlor for the purpose of considering matters pertaining to sewerage and drainage. At this meeting a committee was appointed of which Mr. Brittin was Chairman and after full expression by him as to the imperative need of a system of sewerage, water and drainage and the method of obtaining same they adopted his views and formulated the plan which resulted in creating the present system of sewerage, water and drainage.

It therefore became necessary to float more bonds to pay for these improvements and legislation was drawn up and resulted in the passage of a Constitutional amendment authorizing the City of New Orleans to issue \$12,000,000 of Public Improvement Bonds bearing (4%) Four per cent interest, to be devoted exclusively to the installation of a modern system of sanitation, consisting of water-works, sewers and drainage canals.

In order to properly secure these bonds the Constitutional amendment further capitalized the (1%) one per cent debt tax levied under Act No. 110 of 1890 and more especially that part of the surplus which, under the original law, was transferred to the "Permanent Public Improvement Fund," and which had of course, become larger from year to year as the assessment increased.

But, in order that there should be no question about the security of these new bonds, and to insure their advantageous sale, the citizens of New Orleans voted an additional special tax of two mills, and at the same time the (1%) One per cent debt tax, which was originally only voted until 1942 (when the last Constitutional bond would be paid) was extended until 1950 because that is the date of the ultimate maturity of the Public Improvement Bonds.

The entire issue of \$12,000,000 Public Improvement Bonds were sold at a premium of \$46.19 per bond.

Within a few years, however, it became apparent that the funds realized from the sale of the \$12,000,000 Public Improvement Bonds would be insufficient to complete this system of sanitation. Inasmuch as the assessed valuation of the city had, in the meantime, increased enormously (the total assessments in 1906 being \$204,585,967 as against \$139,235,101 in 1900), it was decided to still further capitalize the surplus which remained out of the (1%) One per cent debt tax and the special two-mill water, sewerage and drainage tax.

The result was that, in 1906, Act No. 19 of 1906 was passed and adopted as an amendment to the Constitution of the State, authorizing the city to issue a total of \$8,000,000 of "New Public Improvement Bonds" bearing (4%) Four per cent interest, for the purpose of completing the water, sewerage and drainage systems. The sur-

plus remaining out of the (1%) One per cent debt tax and the two-mill water, sewerage and drainage tax, after taking care of, first, the premium bonds; secondly, the \$10,000,000 Constitutional bonds, and, thirdly, the \$12,000,000 Public Improvement bonds, was dedicated to the payment of the principal and interest of these new bonds.

It was also provided that these New Public Improvement Bonds should mature in 1942, but that, beginning with 1928, all of the surplus which remains in the hands of the Board of Liquidation, City Debt, after taking care of the interest and sinking fund provisions of the previous bond issues (and which goes to extensions of the sewerage system until 1928) should thereafter be devoted to the retirement of these new bonds by lot. It is confidently believed that, under this provision, the last of these bonds will be retired long before their ultimate maturity in 1942.

On the other hand, the framers of this act were careful to provide against any unforeseen contingencies, and it was therefore stipulated in the amendments that if, by any chance, the growth and progress of the city should be arrested, so that her assessment would not be sufficient to provide a sinking fund to retire the bonds by January 1, 1942, all of the bonds remaining unpaid at that time should, *ipso facto*, be extended, at the same rate of interest and with the same right to call, until January 1, 1962, and the (1%) One per cent debt tax was automatically extended until that time, if necessary, with the further provision that, after 1950, the entire proceeds of this tax would have to be devoted to the payment of the interest and principal of these bonds, should any remain outstanding at that time.

The Legislature of 1904 authorized the issuance of \$750,000 of Court House Bonds bearing (5%) Five per cent interest for the purpose of partly paying for the erection of a new court house in the square bounded by Royal, Chartres, St. Louis and Conti streets which were issued. The City of New Orleans is required by the above act to set aside, out of its annual reserve fund, the sum of \$41,000 to be paid over to the Board of Liquidation, City Debt, to pay the semi-annual interest on these bonds and to use the surplus remaining, after taking care of this interest, for the retirement of the bonds by calling them in the reverse order of their issue. \$60,000 of these bonds have already been retired under the provisions of the act.

The Legislature of 1906 authorized the issue of \$200,000 School Teachers Salary Bonds bearing (4%) Four per cent per annum interest. \$198,000 of these bonds were issued for the purpose of paying back salaries due certain school teachers and portresses for the years 1885, 1886 and 1887. It was made the duty of the Board of

Liquidation, City Debt, to hold out of the one-half of the surplus of the (1%) One per cent debt tax (which under the law, was payable to the public schools) sufficient money to pay the interest on the bonds. The above act required the Board of Liquidation, City Debt, to set aside a sinking fund beginning with the year 1917 sufficient to retire the entire issue on or before January 1, 1927. (However, Act No. 4 of 1916 was passed and made part of the constitution of the State) and the entire amount of School Teachers Salary Bonds amounting to \$198,000 were called for redemption on February 1st, 1917, and have since been redeemed.

The Legislature of 1914 authorized the issuance of \$100,000 Audubon Park Bonds bearing (5%) Five per cent per annum interest, for the purpose of beautifying Audubon Park. They are secured in very much the same manner as the Court House Bonds (i. e.), the City of New Orleans is required to set aside out of its Reserve Fund an annual sum of \$20,000 of which \$5,000 per annum for the first three years, and \$6,000 per annum thereafter, shall be paid to the Board of Liquidation, City Debt, to be held by it, as a special fund to pay the semi-annual interest on these bonds, and the remainder is to be used for the gradual retirement of the principal of these bonds. The entire amount of bonds (\$100,000) were issued, but, \$3,000 of bonds have since been redeemed.

Act No. 4 of 1916 was passed and ratified and adopted as an amendment to the Constitution of the State which authorized the issuance of \$9,000,000 City of New Orleans ($4\frac{1}{2}\%$) Four and one-half per cent Serial Gold Bonds. The one-half of the surplus of the (1%) One per cent debt tax previously dedicated to the public schools has by this act been set aside and dedicated to the payment of the principal and interest of this bond issue and the amendment provides further that if, for any reason this fund should ever prove insufficient to take care of the new bonds, the City of New Orleans would have to levy a tax upon all the taxable property sufficient to pay the principal and interest of these bonds. (The schools under said amendment getting a direct tax for their support instead.)

\$4,500,000 of these bonds were sold and delivered. The serial maturities of these bonds were so fixed that the amount of bonds retired each year increases as the amount of interest necessary each year decreases. In other words, the total amount required to pay principal and interest will be about the same each year.

Under the above act all matters in connection with the sale of this issue of bonds shall be under the control of the Board of Liquidation, City Debt, which is perpetuated until the last one of these

bonds shall have been paid and to it is left the decision of all the details in connection with the issuing of all of the said bonds.

The Board of Liquidation, City Debt, is also given authority, if it should ever find it possible or advantageous, to call in and refund any of the existing bond issues of the city after they reach their callable date, and while nothing of this sort could be done before 1928, at the earliest, still the amendment is broad enough to look that far ahead, and gives the Board this power to issue bonds for refunding purposes, if by doing so it can save the taxpayers money or otherwise improve the financial condition of the city by such a refunding operation.

The act goes one important step further, and provides for the financing of additional improvements which the city of New Orleans will no doubt require in years to come. It does not do so, however, without placing reasonable restrictions on the city in this respect, because it is important that the amount of the debt should not be increased beyond limits which can be deemed safe under any and all circumstances.

The provisions governing further bond issues are, therefore, as follows: The City of New Orleans can issue bonds to the extent of \$500,000 at any time by joint resolution of the Board of Liquidation, City Debt, and the Commission Council, in case there should exist a necessity for such an issue on account of an unforeseen calamity such as storm, fire, flood, pestilence, etc., (This authority was given mainly in view of the embarrassment in which the city found itself after the storm of 1915, where no direct authority existed to finance the immediate and pressing needs for the repair of public buildings.)

But, outside of such an emergency issue of \$500,000 no other bonds can hereafter be floated without submitting the matter to a vote of the taxpayers of the City of New Orleans, who must express their approval by giving a majority in number and amount in favor of the proposal, and even then, the city would not be legally authorized to issue the additional bonds unless the total debt of the city (after deducting the \$20,000,000, Sewerage, Water and Drainage Debt, i. e. the \$12,000,000 Public Improvement Bonds and the \$8,000,000 New Public Improvement Bonds), is within (10%) ten per cent of the assessed valuation of the city.

The total assessed valuation of the city for the year 1920 was \$485,062,371 and the following table will show the bonded debt from the year 1830 to the year 1920 inclusive:

**Bonded Debt of New Orleans
1830 to 1920 Both Inclusive**

1830	\$ 300,000.00	1875	\$22,041,378.60
1831	300,000.00	1876	21,369,727.90
1832	300,000.00	1877	21,260,452.46
1833	1,327,000.00	1878	20,671,903.96
1834	2,081,000.00	1879	17,896,970.27
1835	2,390,000.00	1880	17,976,170.15
1836	2,982,000.00	1881	17,352,933.34
1837	3,378,000.00	1882	17,407,169.81
1838	3,953,000.00	1883	19,418,079.41
1839	4,338,660.00	1884	19,832,597.01
1840	4,399,660.00	1885	20,159,315.33
1841	4,483,660.00	1886	21,310,822.48
1842	4,483,660.00	1887	21,247,122.05
1843	4,483,660.00	1888	21,279,340.92
1844	4,483,660.00	1889	21,373,796.25
1845	4,488,660.00	1890	21,072,064.62
1846	4,429,880.98	1891	20,705,797.23
1847	4,863,856.58	1892	21,397,295.72
1848	5,032,319.07	1893	21,001,550.28
1849	5,694,590.52	1894	20,811,741.50
1850	5,663,638.39	1895	20,680,396.00
1851	5,509,620.39	1896	20,555,312.50
1852	7,694,746.26 (April 1st).	1897	20,416,835.00
1852	7,903,937.27	1898	20,444,296.50
1853	8,716,516.54 (April 1st).	1899	20,342,466.50
1854	11,774,261.91	1900	20,206,604.50
1855	12,279,667.71	1901	23,442,769.50
1856	11,939,086.25	1902	23,867,000.00
1857	11,792,136.25	1903	23,572,451.00
1858	11,659,136.25	1904	24,167,276.50
1859	11,453,136.25	1905	24,947,576.50
1860	11,252,136.25	1906	25,104,713.50
1861	10,974,136.25	1907	26,763,895.00
1862	10,930,136.25	1908	30,414,405.00
1863	10,494,136.25	1909	32,527,581.00
1864	10,447,136.25	1910	32,155,862.50
1865	10,357,476.25	1911	38,828,004.50
1866	10,045,656.25	1912	38,400,517.50
1867	9,930,096.25	1913	37,937,568.50
1868	10,762,912.58	1914	37,499,229.50
1869	15,256,550.00	1915	37,088,13.50
1870	17,436,700.00	1916	36,601,145.50
1871	19,415,748.00	1917	40,408,812.50
1872	22,246,378.00	1918	39,898,231.00
1873	22,329,696.18	1919	39,304,648.00
1874	22,812,179.89	1920	38,594,954.00

NOTES ON "CREOLE FAMILIES"

"What are the Creoles?" was the question started in the long ago by Cable with his fascinating New Orleans romances, and it has been answered off and on correctly and incorrectly in manifold publications since. "Who are the Creoles?" Grace King tells us in her latest volume "*Creole Families of New Orleans*." She introduces them, succinctly in her preface as the descendents of the men who followed Bienville to the founding of New Orleans, who, after he had left the colony, remained on the spot to complete his work and completed it in the best fashion by founding families here to complete their work.

The book is no mere recital of romance although it contains the elements out of which romance is confectioned. It is a solid historical compilation founded on an imposing array of genealogical records which the author with marvelous patience and labor has gathered together from church and family archives.

The founders of New Orleans as here portrayed were in truth a remarkable set of men and after reading this chronicle one realizes more clearly than ever before the impression they made on the plastic city they were moulding which took from them the picturesque qualities that still maintain it as unique among the cities of the United States. Most of the documents quoted are printed here for the first time and Miss King may well claim the trophy for the year as a document saver, if such a commendable trophy were ever bestowed. She rescued her material in truth from the dire destruction of time and neglect.

When we read the book we realize keenly how little we knew of the history makers of Colonial Louisiana. Marigny, de Pontalba, Villere, Lafreniere, were in truth but high sounding names to us; Chalmette, Delaronde, Soniat du Fossat, Livaudais, de Buys, were recalled only in that easy form of knowledge that is in fact only the facile ignorance that comes from the hearing of constant repetitions of inaccuracies which were never verified and as such they became stereotyped in memory. Kernion, Cruzat—and all of his good family, de Lavillebeuvre with his noble record were found by the author lying neglected in the bottom of the historical waste basket, so to speak, eventually to be thrown out as trash.

The chapter on Gayerre is as it should be, the eminent point in the book and its most brilliant piece of writing; for it alone the book will be accorded high rank in literature. Altogether the book fills the

place in Louisiana bibliography that belongs to it. It is vital with spirit, color and strength. It is in consequence a work that the Louisiana Historical Society is proud to acknowledge as an achievement of one of its officers and as such a monument to the author and to the Society as well.



"CLARK MILLS"

*Paper Read Before the Louisiana Historical Society on June 28th, 1921,
by Mr. W. O. Hart.*

Clark Mills, the sculptor of the three Jackson statues and of other great works of art, was born in Onondaga County, New York, on December 1st, 1815, and died in the city of Washington, District of Columbia, on January 12th, 1883.

He was left an orphan at the age of five years, and then lived with a maternal uncle, but becoming dissatisfied with his home, ran away in 1828. After a hard experience working on a farm, cutting cedar posts in a swamp, and learning the millwright's trade, he reached New Orleans, where he stayed a year and then went to Charleston, S. C. Here he learned the stucco business, which he followed until 1835, when he discovered a new method of taking a cast from the living face, which enabled him to make busts so cheaply that he soon had as much work as he could do. He then resolved to try cutting in marble, and began a bust of John C. Calhoun, for which he was awarded a gold medal by the city council of Charleston, and the bust was placed by them in the city hall. Subsequently he executed busts of John Preston, Wade Hampton, and other eminent South Carolinians. He was invited in 1848 to furnish a design for an equestrian statue of Andrew Jackson, to be erected in Washington. He completed his model in eight months, and it was accepted. His treatment was entirely original. The statue was unveiled on the anniversary of the battle of New Orleans, in 1853. It stands on Lafayette square, and was cast from cannon taken from the British during the war of 1812. Later he obtained a second commission for a colossal equestrian statue of George Washington, and purchased ground in the vicinity of Washington, where he built a complete foundry. His statue of Washington represents a scene in the battle of Princeton. It was dedicated in Washington on 22nd February, 1860. Meanwhile Mr. Mills also executed a replica of his Jackson statue for the city of New Orleans. In 1860 he began his statue of "Freedom," after Thomas Crawford's designs, which was completed in 1863, and now stands above the dome of the capitol. The latter part of his life was spent in making busts, and he invented a method of putting plaster on the face of his subjects, thereby adding greatly to the truthfulness of his casts.

The first equestrian statue of Andrew Jackson was erected in the City of Washington in what is known as Lafayette Square and was unveiled on January 8th, 1853, the thirty-eighth anniversary of the battle of New Orleans, where the orator of the day was Stephen A. Douglas, of Illinois, then a member of the Senate of the United States and one of the unsuccessful candidates for the Presidency in 1860.

At the close of the address of Mr. Douglas, amidst shouts of the thousands who had surrounded him, Clark Mills was introduced. He had no words to express his feelings, and in lieu of words he pointed to the veiled statue; the veil was instantly withdrawn, and Jackson on his steed, as if in full action, full of life and energy, was revealed. That was his speech, and none could have been more appropriate. Without instruction, without instruments or appliances, with but little encouragement, and against the remonstrances and hindrances of men of art and men of science, he labored for years, and by a simple gesture he pointed to the result of his labors. The scene was most picturesque, and at the close of the ceremonies, many of the spectators lingered in admiration of the matchless work which the hands of a man of the people had fashioned.

The first replica of the statue is in Jackson Square in New Orleans and was unveiled on February 9th, 1856, when Mr. Mills explained to the people the idea which guided him in fashioning the statue, in this language:

"The statue before you represents one who, with a handful of men, proved himself the saviour of your beautiful city. General Jackson is there represented as he appeared on the morning of the 8th of January, forty-one years ago. He has advanced to the centre of the line in the act of review; the lines have come to present arms as a salute to their commander, who is acknowledging it by raising his chapeau, according to the military etiquette of that day. His restive horse, anticipating the next move, attempts to dash down the line; the bridle hand of the dauntless hero being turned under, shows that he is restraining the horse, whose mouth and curved neck indicate that the animal is feeling the bit. I have thought this explanation necessary as there are many critics who profess not to understand the conception of the artist."

The fantastic story regarding this statue that the horse stands balanced without even being bolted is incorrect because a recent examination thereof by Mr. Robert Glenk, a member of the Society, has shown that the horse is securely fastened.

The last public appearance of the great sculptor Mr. Mills, was when the third of the Jackson statues was unveiled in the city of Nashville on May 29th, 1880, where Louisiana was most worthily represented by General W. J. Behan, a member of the Louisiana Historical Society and several others, including four veterans of the Battle of New Orleans. This was the last public address of Mr. Mills and here is what he said:

"Ladies and Gentlemen: Having been requested to make some remarks on this occasion before the distinguished people of Nashville, I will state that the statue before you is a triplicate of the one now standing in front of the President's house in Washington, which was not only the first equestrian statue ever self-poised on the hind feet in the world, but was also the first ever molded and cast in the United States.

"The incident selected for representation in this statue occurred at the battle of New Orleans, on the 8th of January, 1815. The commander-in-chief has advanced to the center of the lines in the act of review. The lines have come to present arms as a salute to their commander, who acknowledges it by raising his chapeau four inches from his head, according to the military etiquette of that period. But his restive horse, anticipating the next evolution, rears and attempts to dash down the line, while his open mouth and curved neck show that he is being controlled by the hand of his noble rider.

"I have deemed this explanation important to answer criticism upon the fact that the horse is rearing and Jackson has his hat off. Critics should reflect that a spirited war-horse, although brought to a halt, will not long remain so.

"The city of Nashville has just cause for pride from the fact that of the three statues cast from the same model the one before you is the most perfect of them all."



THE FOUNDING OF BILOXI

*Address Delivered by Hon. André Lafargue at the Exercises Held in
Biloxi, Miss., on April 8th, 1920, in Commemoration of
the 221st Anniversary of the Founding of the Place,
by Iberville and His Companions.*

Mr. Chairman, Mr. Consul General, Mr. Mayor,
Ladies and Gentlemen, my fellow American citizens:

It affords me the greatest pleasure and I deem it quite an honor to be given the opportunity of addressing this large and public spirited body of citizens of Louisiana's neighboring State, Mississippi, on this auspicious occasion. I had previously attended the Bi-Centennial of the Founding of Mobile, as the representative of the city of New Orleans and later on I headed the delegation which my native city sent to Paris to commemorate the Two Hundredth Anniversary of its settlement by the French, an event that was celebrated in the French capital with impressive and beautiful exercises held at a time when the "poilus" of France and their allies were battling to establish the supremacy of the reign of order and civilized society. And now through the very gracious courtesy of your Chapter of the Daughters of the Revolution, an organization famed throughout the world for the painstaking and efficient manner in which it is carrying out its noble task of perpetuating by lasting memorials and impressive ceremonies our great national anniversaries, I am given the proud privilege of participating in this memorable function. The honor is indeed a great one and I am fully conscious of its worth. I shall always consider it an inestimable privilege to have been associated with the functions that were held to commemorate the founding and settlement of the three most important communities of the early period of French colonization in the vast territory then known as Louisiana, namely: Biloxi, Mobile and New Orleans, and I have referred to them in their chronological sequence and order. All three of these communities have had a common origin and all three of them should hold in high reverence and everlasting gratitude the name of Lemoyne de Longueil, the name of a family whose sons have shed upon it and upon their fatherland undying fame and glory.

And in these days of worldly turmoil, of political changes of upheavals which threaten the very foundations of civilized and

Christian society throughout the universe, it is indeed refreshing, wholesome and soul inspiring to recall the deeds and ponder over the achievements of men whose simple life, strength of character and steadfastness of purpose enabled them to accomplish the task they had set themselves. Such men were Cavelier de La Salle, Iberville, Bienville, Sauvolle, Chateaugue and their companions. Men who grappled daily with problems of as well nigh staggering nature and whose iron will and lofty ideals carried them successfully through the most trying ordeals. They were pioneers, that is to say, children of God and of nature, simple minded beings, strong of heart and stout of soul and prepared at all times to undergo the greatest sufferings of body and soul so that the work which had been entrusted to them by their king and country might be brought to a successful completion. To the present pleasure seeking, selfish and complicated generation of so called "highly civilized beings," what a splendid example they have set. How better off we most unquestionably would be, how greater we most unquestionably would show ourselves in this time of great international crisis were we actuated by the motives and prompted by the creed which served as guiding stars to the early French pioneers who first landed upon the sandy soil of the Bay of Biloxi. Biloxi and its inhabitants should feel well proud of them. To Biloxi belongs the honor of having been the first settlement established in the tremendous stretch of territory to which had been given the thrice hallowed and harmonious name of "Louisiana," as a compliment to the great king whose foresightedness and encouragement made possible its discovery and official annexation, as a colony of France. All hail to the great monarch, to his wise and farseeing ministers for the great and noble task which they fostered and carried through at a time when it seemed as if the territory which Cavelier de la Salle had first discovered and which stretched eastward and westward of the mighty Father of Waters would eventually fall into the hands of the Spaniards and the English. On an occasion such as this it is meet and proper to pay a just tribute to the "Roi Soleil" and to his splendid and efficient ministers of the Navy, of the Interior and of Finance, Pontchartrain, Maurepas and Colbert, men, whose wisdom and statesmanship foresaw the great advantages which would ensure to France through the establishment of an outlet to the Gulf of Mexico for its northerly possessions on the Great Lakes and in Canada. Louis XIV, we are told, did not at first grasp the full significance of the importance of the discovery of the lower Mississippi and of its mouths, the work of the great patriot and explorer, Cavelier de la Salle, but when it dawned upon

him that the French colonists who had established themselves in large numbers in Canada would have free access to the Gulf and to the sea through the swift flowing Mississippi and its tributaries, he at once lent his entire aid and gave his full official sanction to the plans that were submitted to him for the settlement of Louisiana.

By right of discovery and as a matter of justice to Cavelier de La Salle should have fallen the honor of establishing the first white settlement in Louisiana. He was entrusted with the task and given the means with which to accomplish it, but ill fortune, jealousies, intrigues and sickness pursued him relentlessly, from the time he left the shores of France, as the head of the expedition, which had set sail for the newly discovered territory until he fell a victim at the hands of foul assassins, without having ever had the satisfaction of tracing the Mississippi upward from its outlets. What a splendid figure, Cavelier de La Salle. His name has gone down in history as that of a man to whom fear was unknown and whose indomitable spirit and love of country and king were shining characteristics. His praises have been well and mightily sung by our American historians, Parkman and Bancroft, and John Finley has truthfully said of him that "his life is one that embodied essentially that which men have always referred to as "vir and virtus," manhood and virtue, taken in the highest sense of the words. Gabriel Hanotaux, the great French historian, has eulogized him by word and in writing, stating that "with such a man Old France could well afford to establish a New France in a distant land." The name of La Salle is forever linked with the glorious achievements that followed his untimely and tragic end.

But France was not to be denied that which her courageous son had so manfully and valiantly claimed for her. A Canadian by birth, a naval officer who had seen considerable and arduous service on the high seas in the cause of France, who had fought and bled for his native land and who was well qualified to take up the task where La Salle had left it, was given the royal command to set sail for Louisiana and to take formal possession thereof by establishing trading posts and forts on the Mississippi River. And so it came about that the one man, whose name we should acclaim today in loud and no uncertain tones, Pierre LeMoyne d'Iberville, left Brest on October 24th, 1698 as the commander of a squadron consisting of the two frigates, the "*Badine*" and the "*Marin*," carrying men, arms, munitions and supplies and two small vessels bearing nearly 200 colonists and a company of marines. D'Iberville was accompanied by his younger brother, Bienville, who was second in

command on the "*Badine*" and who was later to play such an important part in the founding and settlement of Louisiana. The men who made up this second expedition had been carefully picked out and at all times d'Iberville exercised over them full and complete control. He was ably seconded in his venture by de Surgeres, who commanded the "*Marin*" and by Sauvolle, whom some historians refer to as a brother of his. Harmony and cooperation reigned among the expedition. La Salle's experience had served d'Iberville in good stead. The trip was made without any mishap and on January 24th, 1699, three months after their departure, d'Iberville and his companions caught sight of the Florida mainland. In Pensacola harbor they found anchored therein, Spanish men of war, flying from their mainmasts the proud Castillian flag, whose appearance was not of a friendly character and d'Iberville decided in consequence that he would continue his journey in quest of the promised land. Mobile Bay, Dauphin Island and Ship Island were passed by and scanned at a distance and the ships cast their anchor eventually in the Bay of Biloxi. Leaving the greater part of his expedition at its point of anchorage, Iberville, the undaunted and the fearless, pressed onward in shallow boats, accompanied by his brother Bienville, in search of the mouths of the Mississippi River, which he finally discovered and through which he ascended the Father of Waters to a point well above, what is known today as Baton Rouge. On his return trip and with but a few companions he trudged his way by land until he reached the shores of two lakes which he named "Maurepas" and "Pontchartrain" and through these rejoined his expedition in Biloxi Bay. In the meanwhile, Bienville, whose ability and daring rivalled those of his brother d'Iberville, had descended the Mississippi in the boats that originally carried Iberville up stream and brought back the indisputable proof that the river which they had explored was really the Mississippi: a letter that Tonty had left for La Salle, in the care of Indians, at the time he had gone down to meet his former chief and companion and fellow discoverer of the great river.

For several days Iberville looked for a suitable and convenient site to build a fort on, a military necessity in those days. His instructions had been to establish a community and a central trading post on the banks of the Mississippi River and he had endeavored from the start to carry them out, but his recent exploration of the Father of Waters had revealed no site that, in his opinion, would have answered the purpose. The Mississippi River and its adjoining territory, at the time, with its low and swampy lands constantly over run by the mighty stream of yellowish and muddy water must

have impressed him as a rather unfavorable section of the country in which to establish the seat of the colony. He therefore decided that he would effect a landing and construct a fort on the north east shore of the Bay of Biloxi. On Tuesday, the 7th, he finally selected and marked out the exact place, and on the following day the clearing and work of construction were actually begun. Within a month's time a well stocked and properly bastioned fort was built. The ax, hammer, saw and carpenter's tools, vigorously wielded by the muscular and hardy French colonists had accomplished wonders and Fort Maurepas rose on the sandy shores of the Bay of Biloxi as the emblem of French supremacy and power. The initial step in the establishment and eventual development of Louisiana had taken place. From the uppermost section of the fort the "Fleur de Lys" of France floated proudly in the breeze and the formal and official occupancy of the vast stretch of territory that Cavelier de La Salle had first claimed for his king and master had become fully vested in the French crown and the boundless region of forest lands extending from the Great Lakes to the Gulf and peopled by wild and savage tribes, had passed under the dominion of the French. Shortly afterwards Iberville left for France but returned within a few months time bringing with him new colonists and a further supply of provisions. Fort Maurepas, its garrison and the little group of colonists that lived within its enclosure drew the attention of the world at large. The chancellories of Spain and England became seriously alarmed over the situation and Iberville grew in favor and in power with his government. Subsequently Mobile was founded and in 1718 a clearing was made and a few huts constructed on one of the many bends of the Mississippi River, 110 miles from the Gulf, which marked the beginning of the great metropolis of the South and the seat of the colony up to the time of its transfer to the United States; my own native city of New Orleans. But we should not overlook the fact that Fort Maurepas or Old Biloxi, as it is often referred to, was the first white settlement effected in the territory named after the Great Louis. The event which we are therefore commemorating today is one of transcendental importance. The founding of Old Biloxi was the first foothold gained by France in a territory whose geographical situation made it possible for the great and enterprising colonists of Canada to play their part in its development and settling. Down the Mississippi Valley, by land and water came the hardy and splendid Canadians, to join hands with those who were endeavoring to accomplish for France on the shores of the Gulf of Mexico and on the Banks of the Mississippi River, that which they

and their comrades had already carried out in Canada and on the Great Lakes to the everlasting credit of their mother country. Thanks to the establishment of Old Biloxi, Iberville and later on Bienville were enabled to found successfully Mobile and New Orleans. A great many of the colonists at Fort Maurepas gave their full and efficient assistance in the later founding and settling of Mobile and New Orleans, and I feel that this is an occasion on which the inhabitants of the Crescent City should rejoice with those of your community. We have had a common origin and we bear alike the stamp, the impress of the strong and illustrious men who presided at our respective civic birth. Iberville was Bienville's brother and the latter was at all times the faithful assistant and helpmate of his brother. The two communities are bound consequently by ties of brotherly love, ties that strongly existed at the time they were founded. In participating in this celebration, we, of New Orleans feel that we are commemorating an event that we are deeply interested in. And so it is that I have been commissioned by the Mayor of the City of New Orleans, the State of Louisiana and the Louisiana Historical Society to convey their official greetings and to say on their behalf the words of felicitations which I have just uttered. The inhabitants of the City founded by Bienville have asked that they be officially associated in this celebration through their delegate and I bring to you in their name a message of fraternal love and the expression of their high regard.

And in conclusion may I say that I hope that the splendid lessons of patriotism, endurance and sacrifice, which the lives of men like La Salle and the Lemoyne de Longueil brothers, have taught us, may serve us in good stead in these times of world agitation and political upheaval. Verily as we look across the Atlantic or cast our eyes upon our own country we are most forcibly struck with the unsettled condition of men and affairs at large. The forces of militarism and hideous autocracy are looming up again as a serious threat and menace across the Rhine, and France, self-denying and heroic France, as of yore must stand out as a bulwark against their contemplated aggression. And in this task France seems to be left alone. Though bleeding from a thousand wounds, though she is the country that bore the heaviest burdens of the late war, she is again called upon to do police duty on the banks of the Rhine. She is going to be found fully equal to the task; she is going to perform her duty to the very end though it may cost her the last drop of blood of her sons and the last cent in her treasury. But I know my fellow American citizens that I voice your sentiments when I state today,

on this solemn occasion, in the presence of the Consul General of France, that notwithstanding the fact that our military forces on the Rhine have been instructed not to lend their assistance, one hundred million free born American citizens hope from the bottom of their hearts that Foch and his men will some day complete the work which was unhappily terminated on the 18th of November, 1918.



COLONEL FRANCIS D. RICHARDSON

(From *New Orleans Picayune*, January 6, 1896.)

One of the most picturesque and interesting characters is old Colonel Francis D. Richardson. His connection with the patriotic demonstration on January 8, last will be remembered. Colonel Richardson is now in his 84th year, and, after a life of the most stirring and eventful character, retains unimpaired his mental and physical faculties. He is staying at present with his son, Colonel Frank L. Richardson, Jr., at No. 1230 Sixth street, and will be in New Orleans for a week yet. The colonel is full of delightful reminiscences, and recalls with especial gusto his acquaintance with the founders and first proprietors of the *Picayune*.

Yesterday, while conversing with a representative of the *Picayune* Colonel Richardson said that, towards the close of 1839, while managing his plantation on the Teche, he had frequent occasion to come to New Orleans. He always put up at the City Hotel. Among the guests at this historic hostelry was a Mr. F. A. Lumsden, then a young man of about 27 years of age. The *Picayune* had been in existence some eighteen or twenty months, and the public was still talking about its name, which was a most unusual and sensational one.

"Of course," said Colonel Richardson, parenthetically, "it is hard to understand that '*Picayune*' could ever have been of a sensational sound in the general ear, but such was the fact." Mr. Lumsden extended to Colonel Richardson an invitation to contribute to his paper, and of this privilege the colonel has availed himself more or less regularly ever since, contributing valuable articles at intervals during the past 50 years.

One of Colonel Richardson's most interesting souvenirs is of the movement resulting in the act to erect the monument at Chalmette to General Jackson. Colonel Richardson was an enthusiastic whig, and had no use for the general's politics, though the fact that his father, Colonel Richardson, of Mississippi, had commanded a regiment in the battle of New Orleans made him approve heartily of the General's military career.

"The year 1852," said the colonel, speaking of the events leading up to the passage of the monument bill, "was a sort of central period in the hostilities between the Whig and the Democratic parties in Louisiana. In the legislature of that winter the former had a good working majority in both houses; the latter had Governor Walker,

and were very aggressive and troublesome. Soon after the opening of the session it was made plain to all that General J. B. Plauche, one of General Jackson's aids on the ever memorable 8th of January, had a special object in coming to the legislature. Ten thousand dollars was necessary to complete the equestrian statue of General Jackson, now the pet and pride of the city. But he found the whigs very slow in piling up honors on one who had been the main stumbling block to their dearly beloved Henry Clay. He was greatly disappointed, not to say disgusted, at his failure in this (to him) all-important matter, but he did not long survive it and our proud capitol was draped in mourning for the third time for one now honored by all true Louisianians. But the contest thickened under the leadership of General Augustin, his successor, and it looked as if the legislature would be blocked. I recall that a bill was before the house to improve the navigation of a bayou in north Louisiana, when he said: 'Sir, you will filch from the well-earned renown of General Jackson and appropriate that same money to some miserable bayou. I shall vote against this bill.' A conference became necessary between the two parties, which ended in a compromise. We agreed to give them the money necessary to complete the statue, and they were to give us the Chalmette monument, so that both parties were united in these two great mementoes of the day we now celebrate. On this monument on the battle field we intended to inscribe the names of every officer, from captain up, who there on this day 'rushed to glory or the grave'; some of them near and dear to us, thus dividing the honors, and not piling it all on General Jackson. But alas! Poor Chalmette, what we intended as the crowning glory of our State has come to be its burning shame. Hard has been its fate from the cradle until now. The first blast of war was echoed back from its bleak, bald, unfinished head, and for thirty years it has moldered on. But its day of triumph, we believe, has come; it has lingered into the age of woman's work, when she is teaching the world that the will and the way go together. The time is near when it will take its place in our hearts beside the immortal Harry of the West, on Canal street, and our second Washington, who looks proudly down upon his circle. Already in fancy we can look beneath the crowning capstone and point to the spot where fiercest raged the battle, where fell the proud invader of our soil, with here and there our own immortal heroes. Generations unborn will sit there and muse on the grand victory of this day with fresh infusion of blood for State, our common country, and for that glorious flag that now indeed waves over the 'land of the free and the home of the brave.' "

Colonel Richardson feels acutely on the subject of the monument, and expresses a sincere intention to co-operate in procuring its completion.

Colonel Richardson was in the legislature till 1856, and Mr. Lumsden was a member at the same time. Mr. Lumsden was one of the strong men of the house, and being of a most attractive personality, won a wide circle of friends. "He was backed by his paper," said Colonel Richardson, "which, by that time, had become one of the leading periodicals of the country. He was very active in support of the Chalmette monument. I knew all his associates on the paper—three splendid young men, who have left a glorious monument to their young enterprise."

Colonel Richardson is proud of his title, though he says it came to him principally as a matter of inheritance. "I wasn't in the Civil War," he said, "serving only in the Home Guards. The title of colonel came to me as the oldest son of Colonel John G. Richardson, who commanded the cavalry at Chalmette. My father was from Wilkinson county, Miss. But I can't pass my title down to my son, who won a title for himself on many a battle field."

"Hasn't New Orleans changed greatly in your recollection?"

"Yes, but the change has been very gradual, except within the last five years. Electricity, gravel and granite have changed the city completely. The city has been revolutionized since the exposition in 1884-85. New Orleans is to the South what St. Louis is to the West, or New York to the East. There is a great future before the city, and the recent past has witnessed a tremendous advance in every direction."

Colonel Richardson has several surviving children, and among his married daughters are some who reside in Missouri, Washington and China. The colonel spends his summers in Missouri and his winters on the Teche with his daughter, Mrs. Don. Caffery, Sr. He will go to Mr. Caffery's plantation within the next ten days.



THE EDITOR'S CHAIR

To the casual observer it may seem easy to sit in the editor's chair, to scan all matter coming in, to separate the best from that which is less good and to give the precedence to that which should precede and to follow with articles in some proper sequence. The editor's chief trouble is to get suitable articles. The Cabildo is full of data as to olden days, New Orleans is full of romance and of history, and yet our busy world seems to consume every waking hour giving competent employment to our literary men and women, leaving the unfortunate editor crying constantly for help.

This issue of our Quarterly Review, while unduly delayed in its publication, contains much valuable material. In our last issue Mr. James Renshaw gave a vivid account of the affair of September 14, 1874, in which he was an active participant, the second battle of New Orleans. In this issue will be found a paper on the same subject by Colonel F. L. Richardson, since deceased, and a participant in the same conflict. Colonel James D. Hill in a few pages gives his experiences in and about Vicksburg three score years ago, all cognate matter.

The Review opens with "Louisiana Completa," an address by that graceful writer and eloquent speaker, Edward Alexander Parsons. Very rarely was literary work ever better done than by this distinguished gentlemen in his splendid and beautiful address. Mr. Joseph Mitchell Pilcher, who some time back favored us, has given us herein a carefully written account of the life of Judah P. Benjamin, lawyer, sugar planter, Confederate soldier, and Confederate Minister to England and subsequently Queen's Counsel there. Mr. Pilcher is one of our younger historians, whose excellent work promises a bright future. Mr. Benjamin wrote his own history into the world's records in indelible ink.

One of our friends wrote the few comments on Grace King's last book, "The Creole Families of Louisiana," which while finely written, hardly does justice to that wonderful book. Miss King is, as the world knows, an accurate and graceful writer, but while not a creole herself, writing of them she reaches a genre field that Cable could

not. His view point was wrong. Miss King's is right, honest and sympathetic. Possibly Thackeray in his *Virginians* may have felt the genre of Virginia's early colonial days. Miss King brings Louisiana's genre home to us in Bernard Marigny's closing days, the brilliant young creole millionaire, receiving seven challenges to mortal combat in one morning in Paris, and his sword finishing one, the others withdrew. This young Don Quixote from various causes loses all his wealth and is compelled to accept a humble position and does not shirk or complain.

Mr. C. Favrot's historical sketch of the construction of the New Orleans Custom House is a most valuable contribution to our local literature. The Custom House stands today far below what was first contemplated when General Beauregard, then a young army engineer, undertook its construction, and it stands today a monument to his memory and to the accuracy of his calculations. Old residents here will recall the fact that the larger openings of the lower floor and perhaps some of those above were tied across by great flat wrought iron bars one-half inch to five-eighths inch thick and 3 to 4 inches wide and placed 7 to 8 feet above the floors to give ample headway at the openings. If the great building settled at all, it settled without a crack anywhere in its walls. The great hogchains were cut out in about 1870. The building was afterwards injured by fire and repaired but was never completed as the original plans contemplated. The myth that the building had settled down evenly some four feet was current back in the Sixties, but there was no foundation for the myth.

The supplementary letter concerning the Custom House is from the *Times Picayune* of April 27, 1914, and furnished by the courtesy of Miss Grace King. The proposed general improvements including the dome, have not yet been made. The last large building erected after the Civil War without piling was the New Orleans Cotton Exchange. The first erected with piling was the Morris Building, corner Canal and Camp streets, the next was the Baldwin Hardware Store building on the corner of Camp and Common, the site of Col. Morse's old City Hotel, the only big hotel that kept open all summer back in the Sixties. Then piling made the foundation for the Hennen

Building and has now become universal in all heavy buildings, see the new Hibernia building for instance.

Col. Richardson's and Colonel Hill's addresses are characteristic of those days and intensely interesting and tell their own story.

We include an article from the *New Orleans Picayune* of January 6, 1896, inspired by Col. F. L. Richardson, the father of Col. F. L. Richardson of the 14th of September, 1874 days. The old gentleman was an old time and a long time sugar planter on Bayou Teche, an active political worker and a member of the Louisiana legislature. From the latter he secured the aid that secured the erection of the Jackson monument on the Chalmette battle field.

As apropos to the article by Mr. James Renshaw on September 14, 1874 days and also Col. F. L. Richardson's activities therein we have introduced a letter from an employee of the writer to the writer then in New York. The young man was new in New Orleans, reared on the Hudson River near Albany and only 22 or 23 years old. He had made no study of the situation and we may judge of his surprise from the letter he wrote. The Pitot he refers to was Mr. Gustave Pitot, now one of our prominent citizens and the great grandson of the Pitot who was mayor of New Orleans under Governor Claiborne.

This issue also includes articles from that encyclopaedic gentleman, Hon. W. O. Hart, on the Louisiana State Constitutions and on Clark Mills, the sculptor and author of the Jackson monument in Jackson Square. Mr. Andre Lafargue's address on the founding of Biloxi at its recent Bi-Centennial and that on Edward Livingston by Mr. Moore and that on The Bonded Debt of New Orleans, by Mr. Horace F. Phillips.

The chief attraction in our whole Review is the work of the Historical Society's archivist, Honorable Henry P. Dart; who with his competent translators is delving into the records of French and Spanish dominations during two hundred years. These treasures of the fading past of Louisiana history bring to our present day vision the colonial life in the pioneer days when from Quebec to Biloxi was the common interior route between New France on the St. Lawrence and Biloxi on the Gulf of Mexico, Bayou Manchac islandizing the parish of Orleans. The Manchac route was used until General Jackson closed the bayou in 1815.

ANDREW JACKSON PAPERS WANTED

The Department of Historical Research in the Carnegie Institution of Washington is collecting the material for an edition, in several volumes, of the Correspondence of Andrew Jackson, to be edited by Professor John S. Bassett of Smith College, Jackson's biographer. All persons who possess letters of General Jackson or important letters to him, or who know where there are collections of his correspondence, or even single letters, would confer a favor by writing to Dr. J. F. Jameson, director of the department named, 1140 Woodward Building, Washington, D. C.



Statement of Ownership, Management, Circulation, etc., required by Act of Congress of August 24, 1912, of the LOUISIANA HISTORICAL QUARTERLY, published quarterly at New Orleans, La., for October 1, 1920. State of Louisiana, Parish of Orleans. Before me, a Notary Public, in and for the State and Parish aforesaid, personally appeared John Dymond, who, having been duly sworn according to law, deposes and says that he is the Editor of the LOUISIANA HISTORICAL QUARTERLY, and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912. Publisher, Louisiana Historical Society. Editor, Managing Editor, Business Manager, John Dymond, New Orleans, La. 2. That the owners are: The Historical Society and issues no stock; officers are G. Cusachs, President; John Dymond, First Vice-President; Bussiere Rouen, Second Vice-President; Henry Renshaw, Third Vice-President; W. O. Hart, Treasurer; Mrs. H. H. Cruzat, Corresponding Secretary, and Miss Grace King, Recording Secretary, all of New Orleans, La. 3. That the known bondholders, mortgagees and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities are: None. Signed John Dymond, Editor. Sworn to and subscribed before me this 2nd day of October, 1920. (Seal). Augustus Williams, Notary Public. (My commission is for life-time.)





